

FILED

Case No.: 22:-CV-03758-GW

2023 JAN 31 AM 10:48

**UNITED STATES DISTRICT COURT  
FOR THE  
CENTRAL DISTRICT OF CALIFORNIA** *EE*

CLERK U.S. DISTRICT COURT  
CENTRAL DIST. OF CALIF.  
LOS ANGELES

**In re: Kimberly Martin-Bragg aka Kimberly Barbour,  
Debtor,**

**IVAN RENE MOORE,**

**Plaintiff/Creditor-Appellant,**

**v.**

**KIMBERLY MARTIN-BRAGG aka KIMBERLY BARBOUR,**

**Defendant/Debtor-Appellee**

**ON APPEAL FROM THE UNITED STATES BANKRUPTCY COURT  
FOR THE CENTRAL DISTRICT OF CALIFORNIA**

**Hon., Judge Barry Russell  
Presiding  
Bnkr. Case No.:2:16-bk-22878-BR**

**Adversary Procedure Case Number: 2:22-ap-01058-BR**

**APPELLANT'S TABLE OF APPENDIX A-Q**

Ivan Rene Moore  
1236 Redondo Blvd  
Los Angeles, California 90019

**ORIGINAL**

**TABLE OF APPENDIX**

Appeal Case No.:22:-CV-03758-GW

<b>APPENDIX</b>	<b>DESCRIPTION</b>
AA-A RJN-1	On May 20, 2021, Civil Writ of Possession commanding the Sherriff or any Marshall of the County of Los Angeles to levy upon and retain in their custody until released or sold, certain personal properties found at the Debtor's Residence.
AA-B RJN-1	The Writ also provides that the Sheriff or Marshall of the County of Los Angeles shall use reasonable forcible entry to enter into the private place listed as : 6150 Shenandoah Avenue, Los Angeles California 90056 and 6160 Shenandoah Avenue, Los Angeles California 90056 for the purpose of levying on the personal property subject to the writ of Possession.
AA-C	True and correct copy of the July 7 <sup>th</sup> , 2021, Los Angeles Sheriff's Department raid on the debtor's Martin-Braggs and the other defendants resident located at 6150 Shenandoah Ave Los Angeles, California 90056
AA-D	True and correct copy of the July 7 <sup>th</sup> , 2021, Los Angeles Sheriff's Department raid on the debtor's Martin-Braggs and the other defendants resident located at 6150 Shenandoah Ave Los Angeles, California 90056
AA-E	True and correct copy of the July 7 <sup>th</sup> 2021 Los Angeles Sheriff's Department raid on the debtor's Martin-Braggs and the other defendants resident located at 6150 Shenandoah Ave Los Angeles, California 90056
AA-F	True and correct copy of the July 7 <sup>th</sup> , 2021, Los Angeles Sheriff's Department raid on the debtor's Martin-Braggs and the other defendants resident located at 6150 Shenandoah Ave Los Angeles, California 90056
AA-G	Finding of facts and conclusion of law dated May 20 <sup>th</sup> 2022

AA-H	RJN-2	Hon. Michelle Rosenblatt Judgment of November 8, 2013, in BC480013
AA-I	RJN-3	2013 <b>Special Verdicts- Trespass to Chattel</b>
AA-J	RJN-4	2013 <b>Special Verdicts -Conversion</b>
AA-K	RJN-5	California Second District Court of Appeal affirmed the judgment in <b>Appeal Case #:B276366</b>
AA-L	RJN-6	<b>Hon. Ernest Roble dismissed the debtor's Bankruptcy case #: 2:14-bk-15698.</b>
AA-M	RJN-7	Opposition to motion to compel Discovery
AA-N	RJN-8	Judge Fuji Ruling dated regarding testimony of Martin-Bragg and the Declarations of the Debtor
AA-O	RJN-9	Pictures with the Los Angeles Sheriffs Debtor, Kimberly Barbour intentionally filed false or incomplete forms and documents to conceal the debtor had possession and control of the <b>1971/72 Camaro</b>
AA-P	RJN-10	On December 21, 2021, Honorable Judge David J. Cowen of Department 1 of the Los Angeles Superior Court held that no court has adjudicated Mr. Ivan Rene Moore \$3.15 Million judgment under 11 U.S.C § 523(a) and issued an Order Staying the enforcement of the Writ of Execution pending a final determination of whether the monetary component of the Final Judgment was discharge by the bankruptcy court.
AA-Q	RJN-11	Bankruptcy Hearing Transcript of May 10, 2022

January 31<sup>st</sup>, 2023


IVAN RENE MOORE  
Appellant, in Pro se

## **CERTIFICATE OF SERVICE**

I hereby certify that a true and exact copy of the: **APPELLANT IVAN RENE MOORE'S APPENDIX A-Q**

This Document has been served upon by U.S. Mail, postage prepaid, addressed to:

**SEE ATTACHED SERVICE LIST**

Dated: January 31<sup>st</sup>, 2023,

A handwritten signature in black ink, appearing to read 'Ivan Rene Moore', written over a horizontal line.

Ivan Rene Moore  
Appellant Pro se



## PROOF OF SERCVICE

I, the undersigned, declare that I am employed in the city of Los Angeles, California. I am over the age of eighteen (18) years and I am not a party to the within action.

On **January 31<sup>st</sup> 2023**, I served the following document:

### APPELLANT'S APPENDIX A-Q

---

On the parties listed below:

#### SEE SERVICE LIST

☒ BY MAIL- I placed each such sealed envelope, with postage thereon fully prepaid for first class mail, for collection and mailing at Los Angeles, California, following ordinary business practices.

☐ BY FACSIMILE- I caused the said document to be transmitted by Facsimile machine to the address(es) noted above.

☒ STATE- I declare under the penalty of perjury under the laws of the State of California that the foregoing is true and correct.

☐ FEDERAL- I declare that I am employed in the office of a member of the bar of this court at whose direction the service was made.

**DATED:** January 31<sup>st</sup> 2023

Respectfully Submitted,



---

Devra Allen

**SERVICE LIST**

**Steven A. Schuman  
Leonard Dicker and Schreiber LLP  
10940 Wilshire Boulevard Suite 2100  
Los Angeles, CA 90024-3936  
Attorney for Kimberley Martin Bragg and Defendants**

**Ronald Hills  
1236 Redondo Blvd  
Los Angeles, California 90019**

# EXHIBIT

# A



**Attachment 25 E**  
**Judgement Order**

1  
2  
3     **The Court grants Plaintiff IVAN RENE MOORE's request for return of**  
4     **property and orders KIMBERLY MARTIN-BRAGG to return to IVAN**  
5     **RENE MOORE'S clothing, shoes, kitchen equipment, personal property,**  
6     **piano, SSLK console, masters, 71 Camaro, and personal legal documents**  
7     **consistent with the evidence presented at trial.**

8  
9     **This order provides that IVAN RENE MOORE is entitled to the return**  
10    **of all of said property in KIMBERLY MARTIN-BRAGG'S possession or**  
11    **control including that which is in storage. KIMBERLY MARTIN-**  
12    **BRAGG, her agents, and anyone acting on her behalf are ordered not to**  
13    **sell, give away, damage or keep from IVAN RENE MOORE any of the**  
14    **property that is ordered to be returned. Kimber Martin-Bragg is**  
15    **ordered to have the property returned to IVAN RENE MOORE**  
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28



# EXHIBIT

# B

**D** ORIGINAL

, Deputy



Page 1 of 1

**Attachment 25 E**  
**Judgement Order**

**The Court grants Plaintiff IVAN RENE MOORE's request for return of property and orders KIMBERLY MARTIN-BRAGG to return to IVAN RENE MOORE'S clothing, shoes, kitchen equipment, personal property, piano, SSLK console, masters, 71 Camaro, and personal legal documents consistent with the evidence presented at trial.**

**This order provides that IVAN RENE MOORE is entitled to the return of all of said property in KIMBERLY MARTIN-BRAGG'S possession or control including that which is in storage. KIMBERLY MARTIN-BRAGG, her agents, and anyone acting on her behalf are ordered not to sell, give away, damage or keep from IVAN RENE MOORE any of the property that is ordered to be returned. Kimber Martin-Bragg is ordered to have the property returned to IVAN RENE MOORE**

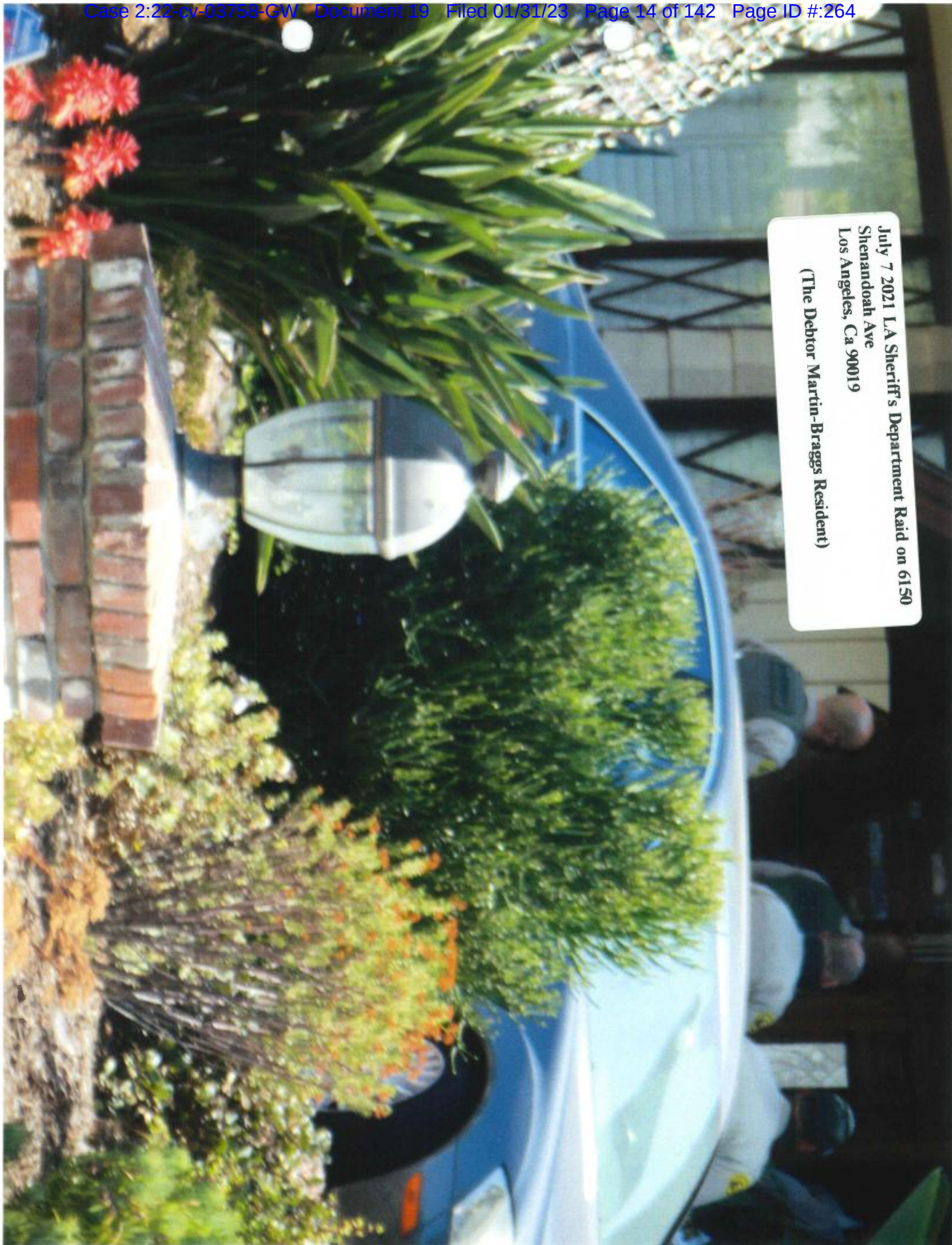
# EXHIBIT

# C



July 7 2021 LA Sheriff's Department Raid on 6150  
Shenandoah Ave  
Los Angeles, Ca 90019

(The Debtor Martin-Briggs Resident)





# EXHIBIT

# D

July 7 2021 LA Sheriff's Department Raid on 6150  
Shenandoah Ave  
Los Angeles, Ca 90019

(The Debtor Martin-Braggs Resident)



# EXHIBIT

# E



July 7 2021 LA Sheriff's Department Raid on  
6150 Sherrandoah Ave Los Angeles, Ca 90019  
(The LA Sheriff's found the stolen Camaro 71172)



# EXHIBIT

# F





July 7 2021 LA Sheriff's Department Raid on  
6150 Shendoah Ave Los Angeles, Ca 90019  
(The LA Sheriff's found the stolen Camaro 71/72)





July 7 2021 LA Sheriff's Department Raid on 6150  
Shenandoah Ave Los Angeles, Ca 90019

(The LA Sheriff's found the stolen Camaro 71/72)  
The Debtor Martin Bragg

✓

# EXHIBIT

# G



LEE T. DICKER, SBN. 48953  
STEVEN A. SCHUMAN, SBN. 142834  
LEONARD, DICKER & SCHREIBER LLP  
10940 Wilshire Boulevard, Suite 2100  
Los Angeles, California 90024-3963  
Phone: (310) 551-1987  
Fax: (310) 277-8050  
Email: [ldicker@ldslaw.com](mailto:ldicker@ldslaw.com)  
[sschuman@ldslaw.com](mailto:sschuman@ldslaw.com)

Attorneys for Debtor Kimberly Barbour

UNITED STATES BANKRUPTCY COURT  
CENTRAL DISTRICT OF CALIFORNIA – LOS ANGELES DIVISION

In Re:	)	CASE NO.: 2:16-bk-22878-BR
KIMBERLY MARTIN-BRAGG; AKA	)	CHAPTER 7
KIMBERLY BARBOUR,	)	ADV. NO.: 2:22-ap-01058-BR
Debtor	)	
_____) [PROPOSED] FINDINGS OF FACT AND		
CONCLUSIONS OF LAW DISMISSING		
MARCH 1, 2022 ADVERSARY		
PROCEEDING WITH PREJUDICE		
IVAN RENE MOORE,	)	Date: May 10, 2022
Creditor/Plaintiff,	)	Time: 2:00 p.m.
vs.	)	Ctrm.: 1668
KIMBERLY MARTIN-BRAGG (aka)	)	255 East Temple Street
KIMBERLY BARBOUR an individual,	)	Los Angeles, CA 90012
GEORGE BARBOUR an individual, LAW	)	
OFFICES OF THOMASINA REED, a	)	
California law office business entity form	)	
unknown, THOMASINA REED an individual;	)	
and DOES 1 through 10,	)	
Defendants.	)	

1 On March 1, 2022, Ivan Rene Moore filed an adversary proceeding bearing case number  
2 2:22-ap-01058-BR (the "March 1, 2022 Adversary Proceeding") naming Debtor, George Barbour,  
3 and Thomasina Reed as defendants. On April 7, 2022, defendants collectively filed a motion to  
4 dismiss the March 1, 2022 Adversary Proceeding pursuant to Federal Rule of Civil Procedure  
5 12(b)(6). On April 21, 2022, Moore filed an opposition to the 12(b)(6) motion. On April 25, 2022,  
6 defendants collectively filed a reply to Moore's opposition.

7  
8 On March 29, 2022, Ivan Rene Moore filed another adversary proceeding bearing case  
9 number 2:22-ap-01080-BR (the "March 29, 2022 Adversary Proceeding") naming Debtor, Steven  
10 A. Schuman, Lee T. Dicker, Law Office of Peter M. Lively, and Leonard Dicker & Schreiber LLP  
11 as defendants. On April 11, 2022, defendants collectively filed a motion to dismiss the March 29,  
12 2022 Adversary Proceeding pursuant to Federal Rule of Civil Procedure 12(b)(6). On April 25,  
13 2022, Moore filed an opposition to the 12(b)(6) motion. On May 3, 2022, defendants collectively  
14 filed a reply to Moore's opposition.

15  
16 At the May 10, 2022 hearing on defendants' motions to dismiss the March 1, 2022  
17 Adversary Proceeding and the March 29, 2022 Adversary Proceeding, Mr. Schuman appeared for  
18 the defendants and Mr. Moore appeared in *propria persona*. After consideration of the pleadings  
19 and oral arguments, the Court dismissed the March 1, 2022 Adversary Proceeding and the March  
20 29, 2022 Adversary Proceeding with prejudice.

21  
22 The following constitutes the Court's findings of fact and conclusions of law:

23  
24 **FINDINGS OF FACT**

25  
26 1. On September 3, 2013, the Los Angeles County Superior Court entered a money  
27 Judgment in the amount of \$3,150,000 in favor of Ivan Rene Moore and against Kimberly Barbour,  
28 in *Moore v. Bragg*, LASC Case No. BC480013 (the "Moore \$3,150,000 Judgment").



2. On September 28, 2016, the debtor filed her Chapter 7 bankruptcy in this Court.

3. On October 1, 2016, the bankruptcy clerk sent a notice to the debtor's creditors, including Mr. Moore, pursuant to Federal Rule of Bankruptcy Procedure Rules 4004 and 4007, setting January 3, 2017 as the deadline for filing complaints objecting to the debtor's discharge under 11 U.S.C. § 727 and complaints to have a debt excepted from discharge under 11 U.S.C. §§ 523(a)(2), (4), or (6).

4. On December 9, 2016, Mr. Moore filed a timely complaint naming Debtor, George Barbour, Keith Rouster, Robert Pitts, Robert Pitts Estates, Peter M. Lively, and Law Office of Peter M. Lively as defendants to *inter alia* seek a judgment of non-dischargeability under 11 U.S.C. §§ 523(a)(2), (4), or (6) (the "December 9, 2016 Adversary Proceeding").

5. On January 9, 2017, this Court issued an order granting the debtor's discharge (Docket No. 50).

6. On September 7, 2017, this Court entered an order sanctioning Mr. Moore \$13,000 for failure to comply with a prior discovery order of this Court. He was ordered to pay the \$13,000 to debtor's counsel by October 23, 2017 and was told that if he failed to make the payment that the December 9, 2016 Adversary Proceeding would be dismissed in its entirety.

7. On November 17, 2017, this Court entered an order dismissing the December 9, 2016 Adversary Proceeding with prejudice due to Mr. Moore's failure to make the \$13,000 payment.

8. On November 30, 2017, Mr. Moore appealed the order dismissing the complaint to the United States District Court.

1           9.     On December 20, 2017, District Court Judge Stephen Wilson dismissed four  
2 appeals including the appeal of the sanctions order and the appeal of the dismissal order which  
3 provided:

4  
5           The Court, on November 22, 2017, upon consideration of the  
6 Appellant's response to the Court's order to show cause, granted  
7 additional time to file his opening brief.

8           The appellant having failed to meet this deadline, and without  
9 notification to the Court why he could not comply with the order  
10 setting the scheduled has shown a complete disregard for this Court,  
11 its orders and deadlines. The appellant has clearly demonstrated a  
12 complete lack of interest in pursuing this matter.

13           Therefore, the instant case and all consolidated cases are dismissed.

14  
15           10.    Upon dismissal of Moore's appeal, the Moore \$3,150,000 Judgment was forever  
16 discharged, as were all other pre-petition claims.

17           11.    On March 1, 2022, Moore filed a new adversary proceeding bearing case number  
18 2:22-ap-01058-BR (the "March 1, 2022 Adversary Proceeding") naming Debtor, George Barbour,  
19 and Thomasina Reed as defendants to *inter alia* seek a judgment of non-dischargeability under 11  
20 U.S.C. §§ 523(a)(2), (4), or (6) and denial of discharge under 11 U.S.C. § 727.

21           12.    On March 29, 2022, Moore filed another new adversary proceeding bearing case  
22 number 2:22-ap-01080-BR (the "March 29, 2022 Adversary Proceeding") naming Debtor, Steven  
23 A. Schuman, Lee T. Dicker, Law Office of Peter M. Lively, and Leonard Dicker & Schreiber LLP  
24 as defendants to *inter alia* seek a judgment of non-dischargeability under 11 U.S.C. § 523(a)(6),  
25 denial of discharge under 11 U.S.C. § 727, damages for fraud under 18 U.S.C. §§ 152, 157, and  
26 521, and relief from discharge under Federal Rule of Civil Procedure 60(d)(3).





2. Section 523(c) provides:

(c)(1) Except as provided in subsection (a)(3)(B) of this section, the debtor shall be discharged from a debt of a kind specified in paragraph (2), (4), or (6) of subsection (a) of this section, unless, on request of the creditor to whom such debt is owed, and after notice and a hearing, the court determines such debt to be excepted from discharge under paragraph (2), (4), or (6), as the case may be, of subsection (a) of this section.

3. The time for filing a complaint seeking to except any of the debtor's debts from discharge under §§ 523(a)(2), (4), or (6) expired on January 3, 2017.

4. Due to the fact that Moore's December 9, 2016 Adversary Proceeding alleging that his state court judgment was excepted from discharge pursuant to §§ 523(a)(2), (4) or (6) was dismissed with prejudice on November 17, 2017, and his appeal of that order was dismissed by the District Court on December 20, 2017, the Court will never determine his judgment would be excepted from discharge under §§ 523(a)(2), (4) or (6).

The Court will enter separate orders concurrently with the entry of this Memorandum dismissing the March 1, 2022 Adversary Proceeding and the March 29, 2022 Adversary Proceeding with prejudice.

####



Attorney or Party Name, Address, Telephone & FAX Nos., State Bar No. & Email Address  Steven A. Schuman, SBN 142834 Leonard, Dicker & Schreiber LLP 10940 Wilshire Boulevard Suite 2100 Los Angeles, CA 90024-3963 Phone: (310) 551-1987 Fax: (310) 277-8050 Email: sschuman@ldsllaw.com  <input type="checkbox"/> Individual appearing without attorney <input checked="" type="checkbox"/> Attorney for Defendants	FOR COURT USE ONLY
<b>UNITED STATES BANKRUPTCY COURT CENTRAL DISTRICT OF CALIFORNIA - LOS ANGELES DIVISION</b>	
In re:  KIMBERLY MARTIN-BRAGG; AKA KIMBERLY BARBOUR,  Debtor(s).  IVAN RENE MOORE,  Plaintiff(s).  vs. KIMBERLY MARTIN-BRAGG (aka) KIMBERLY BARBOUR, et al.  Defendant.	CASE NO.: 2:16-bk-22878-BR CHAPTER: 7 ADVERSARY NO.: 2:22-ap-01058-BR  <b>NOTICE OF LODGMENT OF ORDER OR JUDGMENT IN ADVERSARY PROCEEDING RE: (title of motion<sup>1</sup>): <u>Motion To Dismiss</u> <u>Complaint In Its Entirety Pursuant To Federal</u> <u>Rule Of Civil Procedure 12(b)(6)</u></b>

PLEASE TAKE NOTE that the order or judgment titled [Proposed] Findings Of Fact And Conclusions Of Law  
Dismissing March 1, 2022 Adversary Proceeding With Prejudice  
was lodged on (date) 05/20/2022 and is attached. This order relates to the motion which is docket number 6.

<sup>1</sup> Please abbreviate if title cannot fit into text field.

## PROOF OF SERVICE OF DOCUMENT

I am over the age of 18 and not a party to this bankruptcy case or adversary proceeding. My business address is:  
10940 Wilshire Boulevard, Suite 2100, Los Angeles, CA 90024.

A true and correct copy of the foregoing document entitled: **NOTICE OF LODGMENT OF ORDER OR JUDGMENT IN ADVERSARY PROCEEDING** will be served or was served (a) on the judge in chambers in the form and manner required by LBR 5005-2(d); and (b) in the manner stated below:

**1. TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING (NEF):** Pursuant to controlling General Orders and LBR, the foregoing document will be served by the court via NEF and hyperlink to the document. On (date) 05/20/2022, I checked the CM/ECF docket for this bankruptcy case or adversary proceeding and determined that the following persons are on the Electronic Mail Notice List to receive NEF transmission at the email addresses stated below:

Brad D. Krasnoff (TR): BDKTrustee@DanningGill.com, bkrasnoff@ecf.axosfs.com  
Peter M. Lively, Esq.: PeterMLively2000@yahoo.com  
United States Trustee (LA): ustregion16.la.ecf@usdoj.gov

☐ Service information continued on attached page

**2. SERVED BY UNITED STATES MAIL:** On (date) 05/20/2022, I served the following persons and/or entities at the last known addresses in this bankruptcy case or adversary proceeding by placing a true and correct copy thereof in a sealed envelope in the United States mail, first class, postage prepaid, and addressed as follows. Listing the judge here constitutes a declaration that mailing to the judge will be completed no later than 24 hours after the document is filed.

Ivan Rene Moore  
1236 Redondo Boulevard  
Los Angeles, CA 90019

☐ Service information continued on attached page

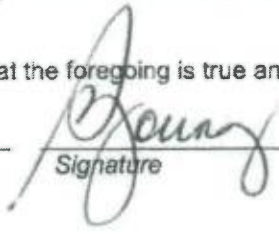
**3. SERVED BY PERSONAL DELIVERY, OVERNIGHT MAIL, FACSIMILE TRANSMISSION OR EMAIL (state method for each person or entity served):** Pursuant to F.R.Civ.P. 5 and/or controlling LBR, on (date) 05/20/2022, I served the following persons and/or entities by personal delivery, overnight mail service, or (for those who consented in writing to such service method), by facsimile transmission and/or email as follows. Listing the judge here constitutes a declaration that personal delivery on, or overnight mail to, the judge will be completed no later than 24 hours after the document is filed.

Hon. Barry Russell (By FedEx)  
United States Bankruptcy Court - Central District of California  
255 East Temple Street, Suite 1660/Courtroom 1668  
Los Angeles, CA 90012

☐ Service information continued on attached page

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

05/20/2022 Peggy Young  
Date Printed Name

  
Signature

# EXHIBIT

## H



In accordance with the verdict of the jury, the Court renders judgment for Plaintiff IVAN RENE MOORE against KIMBERLY MARTIN-BRAGG on the causes of action for trespass to chattel and conversion and for Defendant KIMBERLY MARTIN-BRAGG on the Civil Code section 1965 cause of action. The Court awards judgment to Plaintiff IVAN RENE MOORE against Defendant KIMBERLY MARTIN-BRAGG in the sum of three million, one hundred and fifty thousand dollars (\$3,150,000.00) with interest thereon together with costs in the amount of \$\_\_\_\_\_.

The jury recommends that Plaintiff IVAN RENE MOORE is entitled to the return of personal property specifically identified, to wit, clothing, shoes, kitchen equipment, personal property, piano, SSLK console, Masters, '71 Camaro, personal legal documents and recommends a reduction of the verdict to six hundred fifty thousand dollars (\$650,000) should the property be returned.

The Court follows the recommendation of the jury that IVAN RENE MOORE be entitled to the return of his personal property, which the Court finds includes all personal property that was proved at trial to be at 6150 Shenandoah at the time IVAN RENE MOORE was evicted.

The Court grants Plaintiff IVAN RENE MOORE's request for return of property and orders KIMBERLY MARTIN-BRAGG to return IVAN RENE MOORE'S clothing, shoes, kitchen equipment, personal property, piano, SSLK console, masters, '71 Camaro, and personal legal documents consistent with the evidence presented at trial. This order provides that IVAN RENE MOORE is entitled to the return of all of said property in KIMBERLY MARTIN-BRAGG'S possession or control including that which is in storage. KIMBERLY MARTIN-BRAGG, her agents and anyone acting on her behalf are ordered not to sell, give away, damage or keep from IVAN RENE MOORE any of the property that is ordered to be returned. KIMBERLY MARTIN-BRAGG is ordered to have the property returned to IVAN RENE MOORE.



Additionally, if the items, or any of them, are not returned, IVAN RENE MOORE may seek enforcement of the judgment for possession of personal property in accordance with Code of Civil Procedure sections 714.010 et seq. The Court will make such further orders as is necessary to effectuate the enforcement of the judgment, including an order for removal of the SSLK Console from 6150 Shenandoah Avenue as it requires professional disassembly.

The Court will reduce the judgment in an amount to be determined by this Court up to \$650,000 should Plaintiff receive the return of his property. If KIMBERLY MARTIN-BRAGG returns only a portion of the property or the property is damaged to the extent that it is unusable, Plaintiff may apply to the Court by way of noticed motion for a further Order regarding an offset consistent with the evidence presented at trial and with this judgment.

This judgment is interlocutory due to the bifurcation of pending causes of action unrelated to Plaintiff's personal property. However, the judgment is enforceable.

Dated: November 8, 2013

**MICHELLE R. ROSENBLATT**

---

Michelle R. Rosenblatt, Judge

CONFORMED COPY  
ORIGINAL FILED  
Superior Court of California  
County of Los Angeles

## SUPERIOR COURT OF THE STATE OF CALIFORNIA

NOV 08 2013

FOR THE COUNTY OF LOS ANGELES

Sherri R. Carter, Executive Officer/Clerk

By Jeff W. Lipp, Deputy

IVAN RENE MOORE,

Plaintiff,

v.

KIMBERLY MARTIN-BRAGG  
Defendant.

) Case No. BC480013

) Interlocutory  
) Judgment

This action came on regularly for trial on July 15, 2013, in Department 40 of the Los Angeles Superior Court, the Honorable Michelle R. Rosenblatt, Judge presiding. Plaintiff IVAN RENE MOORE appeared *in propria persona* and Defendant KIMBERLY MARTIN-BRAGG appeared by attorney Thomasina M. Reed, Esq.

On October 19, 2012, the Court had granted a motion to consolidate BC480013 with BC483652. On July 15, 2013, at the request of Plaintiff, and with no objection from Defendant Martin-Bragg the Court bifurcated the causes of action for trespass to chattel, conversion of personal property, and Civil Code section 1965 from the remaining causes of action in BC483652 and the trial was heard as to those causes of action alone.

A jury of 12 persons was regularly impaneled and sworn. Witnesses were sworn and testified. The Court granted Plaintiff's request to amend the complaint to conform to proof to add a prayer for the return of the personal property. After hearing the evidence and arguments of counsel, the jury was duly instructed by the Court and the cause was submitted to the jury, with directions to return each special verdict and to include a recommendation (advisory verdict) to the Court whether the property should be returned and if so, the jury's recommendation as to the reduction in damages to be awarded. The

jury was instructed to complete the verdicts on the trespass to chattel and on the conversion but that the damages award is in the alternative.

On the conversion cause of action, the jury verdict was as follows:

1. Did Ivan Rene Moore own/possess/have a right to possess any of the following items:
  - (a) Clothing, shoes, kitchen equipment, and other personal property? YES
  - (b) Piano: YES
  - (c) One or more of the following: automobiles, 1 motorcycle, auto tools, auto parts? YES
  - (d) Recording Console SSLK? YES
  - (e) Music, Sound and Recording Equipment? YES
  - (f) Musical Instruments? YES
  - (g) Business property, including computers, monitors, miscellaneous equipment, documents, furniture, tapes, televisions? NO
  - (h) Masters? YES
2. Did Kimberly Martin-Bragg intentionally and substantially interfere with any of Ivan Rene Moore's property by taking possession of/preventing Ivan Rene Moore from having access to, or destroying, or refusing to return any of items to which you checked "yes" in question 1 after Ivan Rene Moore demanded its return? YES
3. Did Ivan Rene Moore consent? NO
4. Was Ivan Rene Moore harmed? YES
5. Was Kimberly Martin-Bragg's conduct a substantial factor in causing Ivan Rene Moore's harm? YES
6. What are Ivan Rene Moore's damages?
  - a. For fair market value of the property: \$2.5 million (\$2,500,000.00)
  - b. For lost profits: \$650,000
  - Total: \$3,150,000



7. Do you recommend that the Court order Kimberly Martin-Bragg to return any of the items checked YES in Question 1 to Ivan Rene Moore instead of awarding some or all of the damages in 6a? YES
8. If your answer to question 7 is yes, which items do you recommend the Court order to be returned? Clothing, shoes, kitchen equipment, personal property, piano, SSLK console, masters, '71 Camaro, personal legal documents.
9. If the property in question 8 is returned to Ivan Rene Moore, by what amount, if any should the damages be reduced? \$2.5 million

On the trespass to chattel cause of action, the jury verdict was as follows:

1. Did Ivan Rene Moore own/possess/have a right to possess any of the following items:
  - (a) Clothing, shoes, kitchen equipment, and other personal property? YES
  - (b) Piano: YES
  - (c) One or more of the following: automobiles, 1 motorcycle, auto tools, auto parts? YES
  - (d) Recording Console SSLK? YES
  - (e) Music, Sound and Recording Equipment? YES
  - (f) Musical Instruments? YES
  - (g) Business property, including computers, monitors, miscellaneous equipment, documents, furniture, tapes, televisions? NO
  - (h) Masters? YES
2. Did Kimberly Martin-Bragg intentionally interfere with Ivan Rene Moore's use or possession of any of Ivan Rene Moore's property or damage his property? YES
3. Did Ivan Rene Moore consent? NO
4. Was Ivan Rene Moore harmed? YES
5. Was Kimberly Martin-Bragg's conduct a substantial factor in causing Ivan Rene Moore's harm? YES
6. What are Ivan Rene Moore's damages?
  - a. For fair market value of the property: \$2.5 million (\$2,500,000.00)

7. Do you recommend that the Court order Kimberly Martin-Bragg to return any of the items checked YES in Question 1 to Ivan Rene Moore instead of awarding some or all of the damages in 6a? YES

8. If your answer to question 7 is yes, which items do you recommend the Court order to be returned? Clothing, shoes, kitchen equipment, personal property, piano, SSLK console, masters, '71 Camaro, personal legal documents.
9. If the property in question 8 is returned to Ivan Rene Moore, by what amount, if any should the damages be reduced? \$2.5 million

On the Civil Code section 1965 cause of action, the jury verdict was as follows:

1. Did Ivan Rene Moore own/possess/have a right to possess any of the following items:

(a) Clothing, shoes, kitchen equipment, and other personal property? YES

(b) Piano: YES

(c) One or more of the following: automobiles, 1 motorcycle, auto tools, auto parts?

YES

(d) Recording Console SSLK? YES

(e) Music, Sound and Recording Equipment? YES

(f) Musical Instruments? YES

(g) Business property, including computers, monitors, miscellaneous equipment, documents, furniture, tapes, televisions? NO

(h) Masters? YES

2. Was the property owned, possessed or which Ivan Rene Moore had the right to possess in 6150 Shenandoah at the time Ivan Rene Moore vacated the premises? YES

3. Did Ivan Rene Moore request from Kimberly Martin-Bragg or her attorney, in writing, within 18 days of vacating 6150 Shenandoah Avenue, the surrender of the personal property? YES

4. Did the written request include a description of the personal property and specify a mailing address of Ivan Rene Moore? NO

# EXHIBIT I



BY JEFF W. LIPP, DEPUTY

301-200

We answer the questions submitted to us as follows:

1. Did IVAN RENE MOORE own/possess/have a right to possess any of the following items:

(a) Clothing, shoes, kitchen equipment and other personal property?

12 Yes 0 No

(b) Piano?

12 Yes 0 No

(c) One or more of the following: 2 automobiles, 1 motorcycle, auto tools, auto parts?

12 Yes 0 No

(d) Recording Console SSL K?

12 Yes 0 No

(e) Music, Sound and Recording Equipment?

12 Yes 0 No

(f) Musical Instruments?

12 Yes 0 No

(g) Business Property, including computers, monitors, miscellaneous equipment, documents, furniture, tapes, televisions?

0 Yes 12 No

(i) Masters?

12 Yes 0 No

If your answer to any of the items in question 1 is yes, then answer question 2. If you answered no, stop here, answer no further questions, and have the presiding juror sign and date this form.

2. Did KIMBERLY MARTIN-BRAGG intentionally interfere with IVAN RENE MOORE's use or possession of any of IVAN RENE MOORE's property or damage his property ?

12 Yes 0 No

If your answer to question 2 is yes, then answer question 3. If you answered no, stop here,

0010212013

answer no further questions, and have the presiding juror sign and date this form.

3. Did IVAN RENE MOORE consent?

0 Yes 12 No

If your answer to question 3 is no, then answer question 4. If you answered yes, stop here, answer no further questions, and have the presiding juror sign and date this form.

4. Was IVAN RENE MOORE harmed?

12 Yes 0 No

If your answer to question 4 is yes, then answer question 5. If you answered no, stop here, answer no further questions, and have the presiding juror sign and date this form.

5. Was KIMBERLY MARTIN-BRAGG's conduct a substantial factor in causing IVAN RENE MOORE's harm?

12 Yes 0 No

If your answer to question 5 is yes, then answer question 6 and 7. If you answered no, stop here, answer no further questions, and have the presiding juror sign and date this form.

6. What are IVAN RENE MOORE's damages?

a. For the fair market value of the property:

\$ 2.5 million  
(32,500,000)

7. Do you recommend that the Court order KIMBERLY MARTIN-BRAGG to return any of the items checked yes in Question 1 to IVAN RENE MOORE instead of awarding some or all of the damages in 6a?

12 Yes 0 No

8. If your answer to question 7 is yes, which items do you recommend the Court order to be returned (enter the letter(s) or print the name of the item(s))?

Clothing, shoes, Kitchen equipment, personal property, piano, SSLK console, music/sound/recording equipment, musical instruments, masters, 171 Camarro  
If your answer to question 7 is yes and the Court follows your recommendation, then answer question 9. If your answer is no, stop here, answer no further questions and have the presiding juror sign and date this form.

9. If the property listed in question 8 is returned to IVAN RENE MOORE, by what amount, if any, should the damages be reduced?

\$ 2.5 million



Signed: \_\_\_\_\_

  
Presiding Juror

Dated: 7/29/2013

After all verdict forms have been signed, notify the court attendant that you are ready to present your verdict in the courtroom.

08/02/2013

# EXHIBIT

# J

SUPERIOR COURT OF THE STATE OF CALIFORNIA  
FOR THE COUNTY OF LOS ANGELES

IVAN RENE MOORE,

Plaintiff,

V.

KIMBERLY MARTIN-BRAGG,  
Defendants

) Case No. BC 480013

### ) Special Verdict-Conversion

**FILED**  
LOS ANGELES SUPERIOR COURT

JUL 29 2013

JOHN A. CLARKE, CLERK

BY JEFF W. LIPP, DEPUTY

00012013



We answer the questions submitted to us as follows:

1. Did IVAN RENE MOORE own/possess/have a right to possess any of the following items:

(a) Clothing, shoes, kitchen equipment and other personal property?

12 Yes 0 No

(b) Piano?

12 Yes 0 No

(c) One or more of the following: 2 automobiles, 1 motorcycle, auto tools, auto parts?

12 Yes 0 No

(d) Recording Console SSL K?

12 Yes 0 No

(e) Music, Sound and Recording Equipment?

12 Yes 0 No

(f) Musical Instruments?

12 Yes 0 No

(g) Business Property, including computers, monitors, miscellaneous equipment, documents, furniture, tapes, televisions?

0 Yes 12 No

(i) Masters?

12 Yes 0 No

If your answer to any of the items in question 1 is yes, then answer question 2. If you answered no, stop here, answer no further questions, and have the presiding juror sign and date this form.

2. Did KIMBERLY MARTIN-BRAGG intentionally and substantially interfere with any of IVAN RENE MOORE's property by [[taking possession of/preventing IVAN RENE MOORE from having access to, or destroying, or refusing to return] any of items to which you checked "yes" in question 1 after IVAN RENE MOORE demanded its return]?

12 Yes 0 No

If your answer to question 2 is yes, then answer question 3. If you answered no, stop here, answer no further questions, and have the presiding juror sign and date this form.

3. Did IVAN RENE MOORE consent?

0 Yes 12 No

If your answer to question 3 is no, then answer question 4. If you answered yes, stop here, answer no further questions, and have the presiding juror sign and date this form.

4. Was IVAN RENE MOORE harmed?

12 Yes 0 No

If your answer to question 4 is yes, then answer question 5. If you answered no, stop here, answer no further questions, and have the presiding juror sign and date this form.

5. Was KIMBERLY MARTIN-BRAGG's conduct a substantial factor in causing IVAN RENE MOORE's harm?

12 Yes 0 No

If your answer to question 5 is yes, then answer question 6 and 7. If you answered no, stop here, answer no further questions, and have the presiding juror sign and date this form.

6. What are IVAN RENE MOORE's damages?

\$ 2.5 million

(2,500,000)

\$ 650,000

a. For the fair market value of the property:

b. For lost profits:

TOTAL \$ 3,150,000

7. Do you recommend that the Court order KIMBERLY MARTIN-BRAGG to return any of the items checked yes in Question 1 to IVAN RENE MOORE instead of awarding some or all of the damages in 6a?

12 Yes 0 No


8. If your answer to question 7 is yes, which items do you recommend the Court order to be returned (enter the letter(s) or print the name of the item(s))?

Clothing, shoes, Kitchen equipment, personal property, piano, SSLK console,  
music/sound/recording equipment, musical instruments, masters, '71 Camaro  
If your answer to question 7 is yes and the Court follows your personal document recommendation, then answer question 9. If your answer is no, stop here, answer no further question

and have the presiding juror sign and date this form.

9. If the property listed in question 8 is returned to IVAN RENE MOORE,  
by what amount, if any, should the damages be reduced? \$ 2.5 million

Signed: \_\_\_\_\_

  
Presiding Juror

Dated: 7/29/2013

After all verdict forms have been signed, notify the court attendant that you are ready to present your verdict in the courtroom.

08/02/2013



# EXHIBIT

K

Filed 9/8/17 Moore v. Martin-Bragg CA2/5

**NOT TO BE PUBLISHED IN THE OFFICIAL REPORTS**

California Rules of Court, rule 8.1115(a), prohibits courts and parties from citing or relying on opinions not certified for publication or ordered published, except as specified by rule 8.1115(b). This opinion has not been certified for publication or ordered published for purposes of rule 8.1115.

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA  
SECOND APPELLATE DISTRICT  
DIVISION FIVE

IVAN RENE MOORE,

Plaintiff and Respondent,

v.

KIMBERLY MARTIN-BRAGG,

Defendant and Appellant.

B276366

(Los Angeles County  
Super. Ct. No. BC480013)

APPEAL from a judgment of the Superior Court of Los Angeles County, Michelle R. Rosenblatt and Michael M. Johnson, Judges. Affirmed.

Ivan Rene Moore, in pro per., for Plaintiff and Respondent.

Thomasina M. Reed, The Newell Law Firm, Felton T.

Newell, for Defendant and Appellant.

# EXHIBIT

# L



At the Hearing, it became abundantly clear that the Debtor would not be able to satisfy the Court's concerns regarding the issues that it raised in the OSC under 11 U.S.C. § 1112(b) and that any further continuation of this case would be unnecessary and improper. All essential parties were before the Court and had an opportunity to be heard. Accordingly and consistently with the Court's stated intention in its tentative ruling, the Court *sua sponte* moved up the hearing on the OSC to be concurrent with the hearing on the Motion.

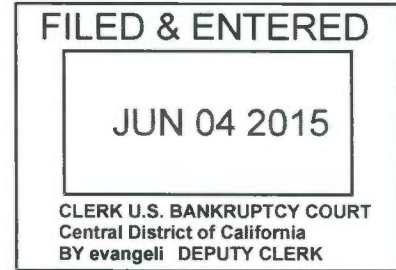
The Court is sympathetic to the challenges of the Debtor in state court. However, it is not this Court's province, as a Federal Bankruptcy Court, to usurp the role of the state court. The state court has separate duties. This Court's obligation, under Title 11, Chapter 11, is to, among other things, permit debtors to timely and reasonably reorganize their debts. Reorganization is not happening here. Although this case has been pending for over a year, the Debtor has evidenced no effort or present capability to proceed toward confirmation.

The Court's conclusion is unaffected by the Debtor's argument, made on the record that, if given a brief 30-day extension, she could propose a plan and disclosure statement without resolving disputed ownership of certain properties and without resolving other state court matters. If this was the Debtor's intention, she should have *and could have* proposed such a plan and disclosure statement long ago.

Accordingly, there is no need for further briefing and the record of this case has clearly shown that dismissal is proper at this time.

Based on the foregoing and, for the reasons stated on the record, the Court finds that "cause" exists pursuant to 11 U.S.C. § 1112(b) such that the court shall dismiss this case. 11 U.S.C. § 1112(b)(4)(A) (Providing that "cause" includes a "substantial or continuing loss to or diminution of the estate and the absence of a reasonable likelihood of rehabilitation"); 11 U.S.C. § 1112(b)(4)(E) (Explaining that "cause" includes a debtor's "failure to comply with an order of the court"); 11 U.S.C. § 1112(b)(4)(J) (Stating that "cause" also includes a debtor's "failure to file a disclosure statement, or to file or confirm a plan, within the time fixed by this title or by order of the court").

//



UNITED STATES BANKRUPTCY COURT  
CENTRAL DISTRICT OF CALIFORNIA  
LOS ANGELES DIVISION

In re: Kimberly Martin-Bragg,  
Debtor.

Case No.: 2:14-bk-15698-ER  
Chapter: 11

**ORDER DISMISSING CASE  
PURSUANT TO ORDER TO  
SHOW CAUSE RE:  
CONVERSION OR  
DISMISSAL [D.E. 156] AND  
FOR REASONS SET FORTH  
ON THE RECORD**

**Advanced Hearing:**

Date: June 3, 2015  
Time: 10:00 a.m.  
Courtroom: 1568

On March 25, 2014, Kimberly Martin-Bragg ("Debtor") filed a voluntary individual petition under Chapter 11. On May 19, 2015, the Court issued an Order to Show Cause re: Conversion or Dismissal ("OSC") and set a hearing for June 17, 2015. D.E. 156. On May 19, 2015, the Debtor independently filed and set a hearing on the *Debtor's Notice of Motion and Motion for Order Extending Deadline to File Plan and Disclosure Statement [Second Request]* ("Motion") on June 3, 2015. On June 2, 2015, the Court posted a tentative ruling, on the docket at entry 160 and incorporated herein by reference, stating its intention that if the issues raised were not adequately addressed, the Court would dismiss the case. On June 3, 2015, the Motion came on for hearing ("Hearing"). Appearances were as stated on the record.

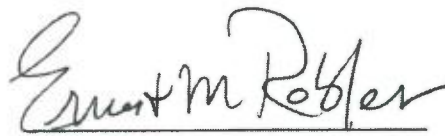
In light of the numerous, violated, express bases of 11 U.S.C. § 1112(b), and based on the entire history of this case, as set forth in the OSC, and for the reasons set forth on the record at the Hearing, including considerations of the best interests of creditors, IT IS HEREBY ORDERED that:

1. The case is dismissed, the automatic stay is vacated and all pending motions and adversary proceedings are moot and dismissed;
2. All currently scheduled hearings are VACATED; and
3. The Debtors is hereby directed to pay any and all outstanding quarterly fees owed to the Office of the United States Trustee in the current amount of \$650.00.

IT IS SO ORDERED.

###

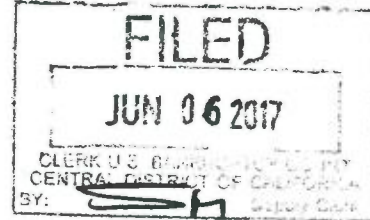
Date: June 4, 2015

  
Ernest M. Robles  
United States Bankruptcy Judge



# EXHIBIT

# M



1 **IVAN RENE MOORE**  
2 **1236 Redondo Blvd**  
3 **Los Angeles, CA 90019**  
4 **323 932-9439**  
5 **Ivan Rene Moore**  
6 **Plaintiff In Pro se**

7 **UNITED STATES BANKRUPTCY COURT**  
8 **CENTRAL DISTRICT OF CALIFORNIA**

9 **In re:**

10 **Kimberly Barbour**  
11 **Aka Kimberly Martin-Bragg,**  
12 **Debtor**

13 **IVAN RENE MOORE**  
14 **PLAINTIFF**

15 **KIMBERLY BARBOUR**  
16 **aka KIMBERLY MARTIN-BRAGG,**  
17 **DEFENDANT**

) **Case No. 2:16-BK-22878-BR**

) **Adv No. 2:16-AP-01543 BR**

) **Chapter (7)**

) **PLAINTIFF'S OPPOSITION TO**  
) **DEFENDANT'S MOTION TO COMPEL**  
) **PRODUCTION OF DOCUMENTS;**  
) **DECLARATION OF IVAN RENE**  
) **MOORE**

) **FILED CONCURRENTLY WITH**  
) **MOTION FOR SANCTIONS PURSUANT**  
) **TO FRCP RULE 11 FOR FALSE**  
) **STATEMENTS BY COUNSEL**

) **Date: June 20<sup>th</sup>, 2017**

**Time: 2:00 p.m.**

**Place: 1668**

**Los Angeles, CA**

**Judge: HON BARRY RUSSELL**

**Hearing Requested**

24 **TO ALL PARTIES AND TO THEIR ATTORNEYS OF RECORD:**

25  **ORIGINAL**

1 Plaintiff first responds by stating that despite the protestations and overwrought demands,  
2 that all of the reasonably relevant documents to which the Plaintiffs would be legally entitled to  
3 are offered for production. While Defendant's motion is thick and filled with attachments, it  
4 does not place the factual content and the subject discovery requests and responses in their full  
5 context.

6 An examination of the circumstances surrounding this motion demonstrates that  
7 Defendant's motion and the relief sought is unwarranted and unnecessary. Therefore,  
8 Defendant's motion should be denied.

9  
10 Plaintiff has filed his request for a Protective Order for the taking of his deposition and  
11 has requested the Court order a discovery referee. The parties are unable to resolve anything by  
12 conversation, and only communicate by email based on the unprofessional conduct and the  
13 willful lies of the defendant and her attorney.

14 Furthermore, filed concurrently with this objection, is a Motion for Sanctions under  
15 FRCP Rule 11, against Steven A. Schuman and Leonard Dicker and Schreiber LLP, for the  
16 knowingly and repeatedly false statements made in their pleading.

17  
18 **I. General Discovery Rules Do Not Support the Sweeping and Contentious Discovery**  
19 **Defendants Seek to Compel Here.**

20  
21 The scope of allowable discovery under the federal rules is not as broad as Defendants  
22 suggest. First, Under Rule 26(b)(1), there are two categories of discovery: that which is relevant  
23 to the claim or defense of a party, and that which is merely relevant to the subject matter. A  
24 party seeking information relevant only to the subject matter must show good cause and seek the  
25 court's approval.

26 The advisory committee's notes expressly explain that making "subject matter" discovery  
27 dependent on showing good cause and obtaining court approval is "designed to involve the court  
28 more actively in regulating the breadth of sweeping or contentious discovery."



1 Fed. R. Civ. P. 26(b)(1) advisory committee's note (2000). The sweeping and contentious  
2 discovery sought here is relevant, at most, to the subject matter of the case, and thus Defendants  
3 must show good cause to the Court for imposing the burden of such discovery on Plaintiff.  
4 Discovery cannot be "unreasonably cumulative or duplicative, or . . . obtainable from some other  
5 source . . ." Fed. R. Civ. P. 26(b)(2)(i).

6  
7 Plaintiff submits that aside from the patently objectionable requests, many of the  
8 requests to which Defendants now seek to compel responses are cumulative, or duplicative,  
9 request information that they have in their own possession or that is a matter of court records.

10  
11 Defendants seek to compel Plaintiffs to provide information despite  
12 valid, reasonable, and applicable objections and despite the fact that there is a five year history of  
13 litigation before this bankruptcy, which resulted in two large victories for the Plaintiff. First is  
14 the **\$5,650,000.00** a unanimous jury awarded the Plaintiff after a nineteen day trial for the  
15 Defendant's intentional acts of conversion and trespass to chattel. Defendant filed this and  
16 another bankruptcy, a Chapter 11, two years ago, which was dismissed for cause, seeking to  
17 avoid and discharge this debt she owes to Plaintiff. The second is the theft of Plaintiff's home  
18 and the wrongful eviction by the Defendant, which the Plaintiff had reversed in the California  
19 Court of Appeals, and which is well-known and often cited case  
20 *Martin-Bragg vs. Moore*, 219 Cal. App. 4<sup>th</sup> 367 (2013).

21 The context under which the Defendant has made this motion is one of threats and racial  
22 animus against Plaintiff. Plaintiff will not be subjected to this and will ask the Court to  
23 intervene.

24 //

25 //

26 //

27 //

## II. STATEMENT OF THE CASE

Most importantly, in Defendant's moving papers' Exhibit 3, the very first paragraph of the email states that " Please make arrangements to get us all the documents, an appropriate verified response with objection, no later than Monday, May 8, 2017." Plaintiff served his responses on May 3<sup>rd</sup> 2017. Plaintiff did not waive any objection and responded timely.

Despite the strident protestations of Defendant's counsel, the Plaintiff in this matter has not engaged in any willful conduct that would justify the relief requested. While Plaintiff concedes that discovery in this matter has not progressed as smoothly. This is solely the responsibility of the Defendant in this action. The Defendant has engaged in threats, lies and demeaning conduct. As best as Plaintiff can discern the following responses are categorized here for the Court.

### **Response to Requests Number 1, 2, 28**

#### **Categories 'Dischargeability and Prior Litigation Requests**

Plaintiff has responded to this Request fully and in good faith.

First of all the " dischargeability" of a debt inherently calls for a legal opinion and conclusion. That is enough of an objection to this interrogatory and its attendant request for production of documents.

Furthermore, all of the information to respond to this request is in the possession of the Defendant. Plaintiff responded as such and stated that Plaintiff sued Defendant in Moore vs. Martin Bragg for two intentional torts, Conversion and Trespass to Chattel.

Since the wrongful eviction of the Plaintiff in 2011, the Defendant has been in wrongful possession of Plaintiff's personal, business, corporate, legal and other documents. Despite Plaintiff winning his nineteen day trial for conversion and trespass to chattel, Moore vs. Martin-Bragg LASC BC 480013, against this very Defendant, and despite a Court Order after the Judgment for the return of Plaintiff's documents since November 8, 2013, the Defendant still has Plaintiff's documents.

1 Plaintiff also met and conferred in detail as to his position including legal authority for  
2 his response to these Requests on May 14, 2017. As with objections to interrogatories under Rule  
3 33, objections to Rule 34 requests for production "must be stated with particularity in a timely  
4 answer, See, Badalamenti v. Dunham's Inc., 498 U.S. 851 (1990); Hall v. Sullivan, 231 F.R.D.  
5 468, 474 (D. Md. 2005). Brenford Environmental System, L.P. v. Pipeliners of Puerto Rico,  
6 Incorporated, 269 F.R.D. 143, 146 (D.P.R. 2010). This information is public information and is  
7 readily accessible. Plaintiff also addressed this request in an email dated May 14<sup>th</sup> 2017.

8  
9 **Response to Requests Number 3 and 4**

10 Category Police Reports/Insurance Reports plaintiff does not have any Police Report.  
11 Insurance reports is a vague term. However Plaintiff did respond fully.

12  
13 **Response to Requests 8, 9 , and 10**

14 Category Communication between Plaintiff and Home Depot, Cricket Mobile, and  
15 AT&T.

16 Since the wrongful eviction of the Plaintiff in 2012, the Defendant has been in wrongful  
17 possession of Plaintiff's personal, business, corporate, legal and other documents.

18 Despite Plaintiff winning his nineteen day trial for conversion and trespass to chattel,  
19 Moore vs. Martin-Bragg LASC BC 480013, against this very Defendant, and despite a Court  
20 Order after the Judgment for the return of Plaintiff's documents since November 8, 2013, the  
21 Defendant still has Plaintiff's.

22  
23 Plaintiff further responded that Plaintiff will fly to Milwaukee, Kentucky and Illinois in  
24 the next few weeks to complete his search.

25 **Responses to 12-29**

26 **Category ???**

27 **No. 12.** Plaintiff's bankruptcy schedules are public information.  
28



**No. 13.** All documents concerning Plaintiff's radio stations This is simply so vague as Plaintiff objected. Additionally any and all documents are either in Wisconsin, Ohio and Kentucky, or as stated above in the Defendant's possession.

Since the wrongful eviction of the Plaintiff in 2011, the Defendant has been in wrongful possession of Plaintiff's personal, business, corporate, legal and other documents. Despite Plaintiff winning his nineteen day trial for conversion and trespass to chattel, Moore vs. Martin-Bragg LASC BC 480013, against this very Defendant, and despite a Court Order after the Judgment for the return of Plaintiff's documents since November 8, 2013, the Defendant still has Plaintiff's.

**Responses 17 through 27**

**Category Communications with various Artists**

Since the wrongful eviction of the Plaintiff in 2012, the Defendant has been in wrongful possession of Plaintiff's personal, business, corporate, legal and other documents. Despite Plaintiff winning his nineteen day trial for conversion and trespass to chattel, Moore vs. Martin-Bragg LASC BC 480013, against this very Defendant, and despite a Court Order after the Judgment for the return of Plaintiff's documents since November 8, 2013, the Defendant still has Plaintiff's.

**Response 29**

**Documents Communication with Ronald Hills and his lawyers` Plaintiff objected because Mr. Hills and Plaintiff have been represented by the same attorney and the documents would be privileged. Plaintiff also objected because this is very overbroad and vague, unintelligible and is conjunctive.**

Respectfully Submitted

DATED: June 6<sup>th</sup>, 2017

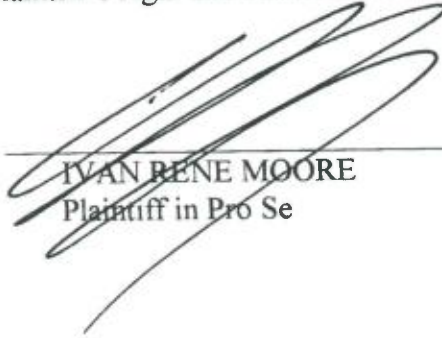
  
IVAN RENE MOORE  
Plaintiff and Responding Party

## CONCLUSION

Based on the forgoing this motion should be denied. Defendants seek to compel responses to various discovery requests to which Plaintiff raised reasonable and timely objections and answered to the best of his ability. The information for which Defendants seek resort to the Court is largely arises from the five to seven years litigation and bankruptcies of defendant, and as such is available to the Defendant or in the possession of the Defendant based on this defendants willful violations of a Court order to return this plaintiff's legal documents.

The documents requested are mostly in the possession of the defendant in this action. Plaintiff will now have to file a relief from stay motions to access the documents via Court because this Defendant has now purportedly given plaintiff's legal and business documents to Wells Fargo.

DATED: June 6<sup>th</sup> 2017

  
IVAN RENE MOORE  
Plaintiff in Pro Se

## DECLARATION OF IVAN RENE MOORE

I, Ivan Rene Moore, declare as follows:

I am the Plaintiff in this action and I have personal knowledge of the following.

1. Plaintiff responded to defendants production of documents Set One on May 3<sup>rd</sup> 2017.

( Exhibit A )

2. Plaintiff provided full and complete responses which were not boilerplate answer or objections.

3. Most of the documents requested are in the possession of this defendant in this action.

4. Some of the other document are in other States and plaintiff has not had the time to go to the various states to review and retrieve the documents requested based on the ongoing emails with random self-execution dates.

5. This motion is in bad faith and this defendant should be sanctioned for this conduct.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

Dated: June 6<sup>th</sup>, 2017



IVAN RENE MOORE



**PROOF OF SERVICE  
STATE OF CALIFORNIA  
COUNTY OF LOS ANGELES**

I am employed in the County of Los Angeles, State of California. I am over the age of 18 and I am a party to the action within. My business address is 1236 Redondo Blvd, Los Angeles, California 90019. On June 6<sup>th</sup>, 2017, I served the foregoing documents described as:

**PLAINTIFF'S OPPOSITION TO DEFENDANT'S MOTION TO COMPEL  
PRODUCTION OF DOCUMENTS; DECLARATION OF IVAN RENE MOORE**

I served this document on the interested parties in this action by depositing in the US Mail at Los Angeles, California addressed as follows and the Service list attached:

**Peter M. Lively  
The Law Offices of Peter M. Lively  
11268 Washington Blvd. Suite 203  
Culver City, CA 90230-4647**

**Steven A. Schuman  
Lee T. Dicker  
Leonard, Dicker & Schreiber LLC  
9340 Olympic Boulevard  
Suite 400  
Beverly Hills, CA 90212-4519**

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed on June 6<sup>th</sup>, 2017, at Los Angeles, California.

  
\_\_\_\_\_  
Stan Bethel

# Exhibit (A)

1 IVAN RENE MOORE  
1236 Redondo Boulevard  
2 Los Angeles, CA, 90019  
3 Telephone: (310) 871-9732  
4 Plaintiff in Pro Se

5  
6 UNITED STATES BANKRUPTCY COURT  
7  
8 CENTRAL DISTRICT OF CALIFORNIA – LOS ANGELES DIVISION  
9

10 In Re:  
Kimberly Martin-Bragg,  
11 Debtor.

) CASE NO. 2:16-BK-22878-BR  
) ADV. NO. 2:16-AP-01543-BR  
)

12  
13 Ivan Rene Moore,  
Plaintiff/Creditor.

) **IVAN RENE MOORE RESPONSE TO**  
) **DEFENDANT DEBTOR KIMBERLY**  
) **BARBOUR'S FIRST REQUEST FOR**  
) **PRODUCTION OF DOCUMENTS**  
)

14 vs.

15 Kimberly Barbour, aka Kimberly Martin-Bragg,  
16 aka Kimberly Bragg, aka Kim Martin , aka Kim  
Barbour , et al.  
17 Defendants

18  
19  
20  
21  
22  
23  
24  
25 PROPOUNDING PARTY: DEFENDANT DEBTOR KIMBERLY BARBOUR  
26 RESPONDING PARTY: PLAINTIFF/CREDITOR IVAN RENE MOORE  
27 SET NO.: ONE  
28



**PRELIMINARY STATEMENT AND OBJECTIONS**

**SPECIAL OBJECTION TO EACH AND EVERY REQUEST**

Much of the information responsive to these Requests is not in Plaintiff's possession. Plaintiff has made a reasonable and diligent search and believes they are in the wrongful possession of the propounding party, Defendant/Debtor. They were at the 6150 Shenandoah Avenue Property at the time of Plaintiff's wrongful eviction from his home. Since 2012 they have been in the wrongful possession of Defendant. They are the subject of a Court Order in Moore vs. The responding party is "required to inquire and investigate in order to learn about others' knowledge . . . Bragg BC 480013. On November 8, 2013, Judge Michelle Rosenblatt has ordered the Defendant [and] must at least make a reasonable effort to obtain the information requested." *Interland Bragg* to turn over these documents to Plaintiff, but to date she has not. Since then Plaintiff has *Incorporated v. Bunting*, No. 1:04-CV-444-ODE, 2005 WL 2414990, at \*6, 2005 U.S. made a reasonable diligent and exhaustive attempts to retrieve this information and has not Dist. LEXIS 36112, \*19 (N.D. Ga. Mar. 31, 2005). Responding party has satisfied this obligation but Defendant Barbour has not returned any documents or properties to Plaintiff.

Plaintiffs object to this discovery request on the basis of vagueness and overbreadth. In addition, Plaintiffs submit to that the request is beyond the scope of permissible discovery. Because a party does not need to be made aware of the contents of its own documents, the only purpose for the request is to determine what information the Plaintiffs have discovered. Because the second-hand knowledge of the plaintiff is not relevant nor reasonably calculated to lead to admissible evidence, it is beyond the scope and objectives of legitimate discovery. FED. RULE CIV. PRO. 26(b)(1). See, for example: *Smith v. BIC Corp.*, 121 F.R.D. 235, 244-245 (E.D.Pa. 1988). In addition, Plaintiffs object to this request on the basis that the defendant has equal or greater access to the information sought. Furthermore, Plaintiffs object on the basis of the Attorney Work Product Doctrine, insofar as the selection of the documents requested would reveal the mental impressions, opinions, and/or trial strategy of some of Plaintiff's attorneys, to the extent Plaintiff was represented by counsel in some actions or parts of some actions. FED. RULE CIV. PRO. 26(b)(3). (See, for example: *Gould v. Mitsui Mining & Smelthing*, 825 F.2d 676, 680 (2nd Cir. 1987); *Shelton v. American Motors*, 805 F.2d 1323, 1328-1329 (8th Cir. 1986); *Sporck v. Pell*, 759 F.2d 312, 316 (3rd Cir. 1985); *James Julian v. Raytheon*, 93 F.R.D. 138, 144 (D.Del. 1982); *Smith v. Florida Power & Light*, 632 So.2d 696 (Fla. App. 3rd Dist. 1994).

1 As such, the Defendant/Debtor propounds these requests in bad faith.

2 The Defendant/Debtor has failed to cooperate in discovery in violation of LR 7026 which states:

3

4 (c) Failure to Make Disclosures or Cooperate in Discovery.

5

6 (1) General. Unless excused from complying with this rule by order of the court for good cause  
7 shown, a party must seek to resolve any dispute arising under FRBP 7026-7037 or FRBP 2004 in  
8 accordance with this rule.

9

10 (2) Meeting of Counsel. Prior to the filing of any motion relating to discovery, counsel for the  
11 parties must meet in person or by telephone in a good faith effort to resolve a discovery dispute. It  
12 is the responsibility of counsel for the moving party to arrange the conference. Unless altered by  
13 agreement of the parties or by order of the court for cause shown, counsel for the opposing party  
14 must meet with counsel for the moving party within 7 days of service upon counsel of a letter  
15 requesting such meeting and specifying the terms of the discovery order to be sought. Therefore  
16 and pursuant to LBR 7026-1 Plaintiff responds in good faith complete and straightforward as the  
17 information reasonably available; and Plaintiff answers to the extent possible; and Plaintiff has  
18 "made a reasonable and good faith effort to obtain the information . To comply with  
19 further requirements , whether any responsive materials are being withheld on the basis of that  
20 objection, Plaintiff is not withholding any document of which he does not have possession.

21 There may be additional facts, evidence and witnesses of which Plaintiff is currently not  
22 aware as his investigation and discovery continues.

23 Additionally, this First Request for Production of Documents is premature and therefore  
24 oppressive and burdensome because Defendants have refused to be deposed, Defendant Bragg has  
25 refused to turn over Plaintiff's documents which she has acknowledged is in her possession and  
26 that they are owned by Mr. Moore.

27 Plaintiff objects to First Request For Production of Documents, because they are  
28 purposely designed to harass Plaintiff because Defendant knows Plaintiff is without certain



1 documents. Furthermore, Defendant propounds now knowing that Defendants will not submit to  
2 their Deposition so that Plaintiff can inquire and ask her to bring his documents to prepare for trial.

3 Plaintiff objects further and because responses to the First Request for Production of  
4 Documents because the documents are equally available to the propounder. Many of the  
5 responses are in the possession of Defendant Barbour and or contained in Court Records. It is  
6 unduly burdensome to produce these massive amounts of documents without the specificity  
7 needed to respond. Please see *Alpine Mutual Water Co. v. Superior Court* (1968), 259  
8 Cal.App.2d 45; *Ryan v. Superior Court* (1960), 186 Cal.App.2d 813; *Pantzas v. Superior Court*  
9 (1969), 272 Cal.App.2d 499, 503; and specifically *City of Alhambra v. Superior Court* (1980),  
10 110 Cal.App.3d 513, 52.

11 Finally Plaintiff objects to each and every request Plaintiff objects to the discovery request  
12 because it socks to invade the Plaintiff's right to privacy. Further, much of the information sought  
13 is not relevant to the subject matter of the pending action because of the excessive time limitation.  
14 2002, for example, or if so, does not outweigh the prejudice to Plaintiffs constitutional right to  
15 privacy.

16  
17 **RESPONSE TO REQUEST No. 1:**

18 Objection.

19 Plaintiff has stated many facts in his complaint which arise from documents in other court  
20 actions against the Debtor/Defendant Barbour. Additionally this Response is objected to under  
21 all the objections in Plaintiff's Response to Special Interrogatories. This request calls for a legal  
22 conclusion. All documents in response to this Request are in the possession of the  
23 Debtor/Defendant or are equally available to the propounder. Please see *Alpine Mutual Water*  
24 *Co. v. Superior Court* (1968), 259 Cal.App.2d 45; *Ryan v. Superior Court* (1960), 186 Cal.App.2d  
25 813; *Pantzas v. Superior Court* (1969), 272 Cal.App.2d 499, 503; and specifically *City of*  
26 *Alhambra v. Superior Court* (1980), 110 Cal.App.3d 513, 52.

27 Plaintiff's discovery is continuing and Plaintiff has not had an opportunity to depose the Defendant  
28 because the Defendant will not appear for her deposition to bring the documents she has.

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1 Therefore these Requests are made in bad faith and are premature.  
2 And as such they are harassing and burdensome, and oppressive, and not reasonably calculated  
3 at this time to lead to other discoverable evidence.  
4 Without waiving said objection and responding in good faith, Plaintiff responds:  
5 All documents upon which Plaintiff bases his contention on any claim are equally available. See  
6 the Complaint in Moore vs. Martin Bragg, LASC BC 480013, the Special Verdicts and the  
7 Judgements entered thereon on September 3, 2013, and September 8, 2013. See also the other  
8 actions Defendant/Debtor is a named party, and her two bankruptcy filings, both of which this  
9 discovery arises and is in the possession of the propounding party. Plaintiffs object to this  
10 discovery request on the basis of vagueness and overbreadth. In addition, Plaintiffs submit to that  
11 the request is beyond the scope of permissible discovery. Because a party does not need to be made  
12 aware of the contents of its own documents, the only purpose for the request is to determine what  
13 information the Plaintiffs have discovered. Because the second-hand knowledge of the plaintiff is  
14 not relevant nor reasonably calculated to lead to admissible evidence, it is beyond the scope and  
15 objectives of legitimate discovery. FED. RULE CIV. PRO. 26(b)(1). See, for example: Smith v.  
16 BIC Corp., 121 F.R.D. 235, 244-245 (E.D.Pa. 1988). Plaintiff's discovery and investigation  
17 continues. Notwithstanding the valid objection Plaintiff will have to fly to Milwaukee Wi,  
18 Louisville Kentucky and Evansville Ill in the next few week to obtain certain document that will or  
19 could possibly be produced on a later date if the defendant overcome the lawful objections.

20  
21 **RESPONSE TO REQUEST NO. 2.**

22 Objection. The Request as worded is unintelligible, vague and Plaintiff is uncertain as to what is  
23 meant by "CONCERNING ", and " any of the property".

24 Without waiving said objection Plaintiff responds as follows:

25 . Plaintiff's investigation is ongoing and Plaintiff may discover other facts relevant to his  
26 claim. Additionally this Request calls for a legal conclusion in the response. Additionally this  
27 information is equally available to the propounder. Please see Alpine Mutual Water Co. v.  
28 Superior Court (1968), 259 Cal.App.2d 45; Ryan v. Superior Court (1960), 186 Cal.App.2d 813;

1 Pantzalas v. Superior Court (1969), 272 Cal.App.2d 499, 503; and specifically City of Alhambra  
2 v. Superior Court (1980), 110 Cal.App.3d 513, 52.

3 Plaintiff's discovery is continuing and Plaintiff has not had an opportunity to depose the Defendant  
4 because the Defendant will not appear for her deposition.

5 Therefore these Requests are premature and as such they are harassing and burdensome, and  
6 oppressive, and not reasonably calculated this time to lead to other discoverable evidence.

7 Without waiving said objection and responding in good faith, Plaintiff responds:

8 All documents upon which Plaintiff bases his contention on any claim are equally available. See  
9 the Complaint in Moore vs. Martin Bragg, LASC BC 480013, the Special Verdicts and the  
10 Judgements entered thereon on September 3, 2013, and September 8, 2013 and the actions in which  
11 Debtor/Defendant is a party, including her two bankruptcies. Notwithstanding the valid objection  
12 Plaintiff will have to fly to Milwaukee Wi, Louisville Kentucky and Evansville Ill in the next few  
13 week to obtain certain document that will or could possibly be produced on a later date if the  
14 defendant overcome the lawful objections.

15 **RESPONSE TO REQUEST No.3:**

16 Objection. The Request as worded is unintelligible, vague and Plaintiff is uncertain as to what is  
17 meant by "Police reports", and "any of the property" and "reports claiming."

18 Without waiving said objection Plaintiff responds as follows:

19 Defendant/Debtor is in wrongful possession of Plaintiff's documents and has been since 2012.

20 Plaintiff's investigation is ongoing and Plaintiff may discover other facts relevant to his claim.

21 Additionally this Request calls for a legal conclusion in the response. Additionally this

22 information is equally available to the propounder. Please see Alpine Mutual Water Co. v.

23 Superior Court (1968), 259 Cal.App.2d 45; Ryan v. Superior Court (1960), 186 Cal.App.2d 813;

24 Pantzalas v. Superior Court (1969), 272 Cal.App.2d 499, 503; and specifically City of Alhambra v.

25 Superior Court (1980), 110 Cal.App.3d 513, 52.

26 Plaintiff's discovery is continuing and Plaintiff has not had an opportunity to depose the Defendant

27 because the Defendant will not appear for her deposition, nor has she delivered to Plaintiff any of

28 his documents.

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Therefore these Requests are premature and as such they are harassing and burdensome, and oppressive, and not reasonably calculated this time to lead to other discoverable evidence. Notwithstanding the valid objection Plaintiff will have to fly to Milwaukee Wi, Louisville Kentucky and Evansville Ill in the next few week to obtain certain document that will or could possibly be produced on a later date if the defendant overcome the lawful objections.

**RESPONSE TO REQUEST No. 4:**

Objection. The Request as worded is unintelligible, vague and Plaintiff is uncertain as to what is meant by "Insurance reports", and "any of the property" and "reports claiming."

Without waiving said objection Plaintiff responds as follows:

Defendant/Debtor is in wrongful possession of Plaintiff's documents and has been since 2012.

Plaintiff's investigation is ongoing and Plaintiff may discover other facts relevant to his claim. Additionally this Request calls for a legal conclusion in the response. Additionally this information is equally available to the propounder. Please see *Alpine Mutual Water Co. v. Superior Court* (1968), 259 Cal.App.2d 45; *Ryan v. Superior Court* (1960), 186 Cal.App.2d 813; *Pantzas v. Superior Court* (1969), 272 Cal.App.2d 499, 503; and specifically *City of Alhambra v. Superior Court* (1980), 110 Cal.App.3d 513, 52.

Plaintiff's discovery is continuing and Plaintiff has not had an opportunity to depose the Defendant because the Defendant will not appear for her deposition.

Therefore these Requests are premature and as such they are harassing and burdensome, and oppressive, and not reasonably calculated this time to lead to other discoverable evidence.

All documents upon which Plaintiff bases his contention on any claim are equally available.

Plaintiff's discovery is continuing and Plaintiff has not had an opportunity to depose the Defendant because the Defendant will not appear for her deposition Notwithstanding the valid objection Plaintiff will have to fly to Milwaukee Wi, Louisville Kentucky and Evansville Ill in the next few week to obtain certain document that will or could possibly be produced on a later date if the defendant overcome the lawful objections.



**1 RESPONSE TO REQUEST No. 5:**

**2** Objection.

**3** This information is equally available to the propounder. Please see Alpine Mutual Water Co. v.  
**4** Superior Court (1968), 259 Cal.App.2d 45; Ryan v. Superior Court (1960), 186 Cal.App.2d 813;  
**5** Pantzalas v. Superior Court (1969), 272 Cal.App.2d 499, 503; and specifically City of Alhambra  
**6** v. Superior Court (1980), 110 Cal.App.3d 513, 52.

**7** Plaintiff's discovery is continuing and Plaintiff has not had an opportunity to depose the Defendant  
**8** because the Defendant will not appear for her deposition.

**9** Therefore these Requests are premature and as such they are harassing and burdensome, and  
**10** oppressive, and not reasonably calculated this time to lead to other discoverable evidence.

**11** Notwithstanding the valid objection Plaintiff will have to fly to Milwaukee Wi, Louisville  
**12** Kentucky and Evansville Ill in the next few week to obtain certain document that will or could  
**13** possibly be produced on a later date if the defendant overcome the lawful objections.

**14 RESPONSE TO REQUEST No. 6:**

**15** Objection.

**16** This information is equally available to the propounder. Please see Alpine Mutual Water Co. v.  
**17** Superior Court (1968), 259 Cal.App.2d 45; Ryan v. Superior Court (1960), 186 Cal.App.2d 813;  
**18** Pantzalas v. Superior Court (1969), 272 Cal.App.2d 499, 503; and specifically City of Alhambra v.  
**19** Superior Court (1980), 110 Cal.App.3d 513, 52.

**20** Plaintiff's discovery is continuing and Plaintiff has not had an opportunity to depose the Defendant  
**21** because the Defendant will not appear for her deposition.

**22** Therefore these Requests are made in bad faith, premature and as such they are harassing and  
**23** burdensome, and oppressive, and not reasonably calculated this time to lead to other discoverable  
**24** evidence. The transcripts costs are around \$21,656.00 the defendant will have to send a cashier's  
**25** check to obtain the requested transcript.

**26**

**27**

**28**

1 **RESPONSE TO REQUEST No. 7:**

2 Objection. Irrelevant. This request is vague and unintelligible in its present form.

3 Plaintiff does not know what is meant by " DOCUMENTS CONCERNING

4 COMMUNICATIONS". It lacks particularity as required by the Federal Rules of Civil

5 Procedure and it is unduly burdensome. It also violated Plaintiff's right to privacy.

6 The request also is objectionable as it calls for trade secrets.

7 Without waiving said objection Plaintiff responds:

8 Plaintiff has made a reasonable and diligent search and does not have the documents nor the

9 information. These documents are or may be in the possession of the Defendant/Debtor.

10 **RESPONSE TO REQUEST No. 8:**

11 Objection. This request is vague and unintelligible in its present form.

12 Plaintiff does not know what is meant by " DOCUMENTS CONCERNING

13 COMMUNICATIONS". The request also is objectionable as it calls for trade secrets. It lacks

14 particularity as required by the Federal Rules of Civil Procedure and it is unduly burdensome. It

15 also violated Plaintiff's right to privacy.

16 The request also is objectionable as it calls for trade secrets.

17 Without waiving said objection Plaintiff responds:

18 Plaintiff has made a reasonable and diligent search and does not have the documents nor the

19 information. These documents are or may be in the possession of the Defendant/Debtor.

20 Notwithstanding the valid objection Plaintiff will have to fly to Milwaukee Wi, Louisville

21 Kentucky and Evansville Ill in the next few week to obtain certain document that will or could

22 possibly be produced on a later date if the defendant overcome the lawful objections.

23

24 **RESPONSE TO REQUEST No. 9:**

25 Objection. This request is vague and unintelligible in its present form.

26 Plaintiff does not know what is meant by " DOCUMENTS CONCERNING

27 COMMUNICATIONS". It lacks particularity as required by the Federal Rules of Civil Procedure

28 and it is unduly burdensome. It also violated Plaintiff's right to privacy.

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1 The request also is objectionable as it calls for trade secrets.

2 Without waiving said objection Plaintiff responds:

3 Plaintiff has made a reasonable and diligent search and does not have the documents nor the  
4 information. These documents are or may be in the possession of the Defendant/Debtor.

5 Notwithstanding the valid objection Plaintiff will have to fly to Milwaukee Wi, Louisville  
6 Kentucky and Evansville Ill in the next few week to obtain certain document that will or could  
7 possibly be produced on a later date if the defendant overcome the lawful objections.

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9 **RESPONSE TO REQUEST No. 10:**

10 Objection. This request is vague and unintelligible in its present form.

11 Plaintiff does not know what is meant by " DOCUMENTS CONCERNING

12 COMMUNICATIONS". " It lacks particularity as required by the Federal Rules of Civil

13 Procedure and it is unduly burdensome. It also violated Plaintiff's right to privacy.

14 The request also is objectionable as it calls for trade secrets. Without waiving said objection

15 Plaintiff responds: Plaintiff has made a reasonable and diligent search and does not have the

16 documents nor the information. These documents are or may be in the possession of the

17 Defendant/Debtor. Notwithstanding the valid objection Plaintiff will have to fly to Milwaukee Wi,

18 Louisville Kentucky and Evansville Ill in the next few week to obtain certain document that will or

19 could possibly be produced on a later date if the defendant overcome the lawful objections.

20 **RESPONSE TO REQUEST No. 11:**

21 Objection. This request is vague and unintelligible in its present form.

22 Plaintiff does not know what is meant by " DOCUMENTS CONCERNING" despite the definition

23 dump. Further, the Defendant/Debtor has Plaintiff's documents wrongfully, and has failed to

24 return them despite court orders to do so. See Orders of Judge Michelle Rosenblatt in BC

25 480013. Without waiving said objection Plaintiff responds.

26 Plaintiff may have documents in Milwaukee but has not been able to obtain them as of the

27 making of these responses. Notwithstanding the valid objection Plaintiff will have to fly to

28 Milwaukee Wi, Louisville Kentucky and Evansville Ill in the next few week to obtain certain



1 document that will or could possibly be produced on a later date if the defendant overcome the  
2 lawful objections.

3 **RESPONSE TO REQUEST No. 12:**

4 Objection. Vague and unintelligible. Plaintiff Ivan Rene Moore has not had four bankruptcies.

5 As such, Plaintiff objects to the form of question because it states a hypothetical or an  
6 impossibility.

7 Further objection is made on the grounds that this information is equally available to the  
8 propounder. Please see *Alpine Mutual Water Co. v. Superior Court* (1968), 259 Cal.App.2d 45;  
9 *Ryan v. Superior Court* (1960), 186 Cal.App.2d 813; *Pantzas v. Superior Court* (1969), 272  
10 Cal.App.2d 499, 503; and specifically *City of Alhambra v. Superior Court* (1980), 110  
11 Cal.App.3d 513, 52. The propounder has access to PACER. Plaintiff's discovery is continuing  
12 and Plaintiff has not had an opportunity to depose the Defendant because the Defendant will not  
13 appear for her deposition. Therefore these Requests are made in bad faith, premature and as such  
14 they are harassing and burdensome, and oppressive, and not reasonably calculated this time to lead  
15 to other discoverable evidence.

16 **RESPONSE TO REQUEST No. 13:**

17 Objection. This request is vague and unintelligible in its present form.

18 Plaintiff does not know what is meant by "DOCUMENTS CONCERNING" despite the  
19 definition. Objection as to trade secrets. Objections are also made as to trade secrets, and  
20 attorney client privilege. Further, the Defendant/Debtor has Plaintiff's documents wrongfully, and  
21 has failed to return them despite court orders to do so. See Orders of Judge Michelle Rosenblatt  
22 in BC 480013. Objection is also made on the grounds that information is equally available to the  
23 propounder. Please see *Alpine Mutual Water Co. v. Superior Court* (1968), 259 Cal.App.2d 45;  
24 *Ryan v. Superior Court* (1960), 186 Cal.App.2d 813; *Pantzas v. Superior Court* (1969), 272  
25 Cal.App.2d 499, 503; and specifically *City of Alhambra v. Superior Court* (1980), 110  
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1 Cal.App.3d 513, 52. Plaintiff's discovery is continuing and Plaintiff has not had an opportunity to  
2 depose the Defendant because the Defendant will not appear for her deposition.

3 Therefore these Requests are premature and as such they are harassing and burdensome, and  
4 oppressive, and not reasonably calculated this time to lead to other discoverable evidence.

5 Notwithstanding the valid Lawful objections Plaintiff will have to fly to Milwaukee Wi, Louisville  
6 Kentucky and Evansville Ill in the next few week to obtain certain document that will or could  
7 possibly be produced on a later date if the defendant overcome the lawful objections.

8 **RESPONSE TO REQUEST No. 14:**

9  
10 Objection. This request is vague and unintelligible in its present form. Furthermore this request  
11 as stated is factually incorrect and is therefore improper and irrelevant.

12 Plaintiff does not know what is meant by " DOCUMENTS reflecting PLAINTIFF'S ALLEGED  
13 ASSETS OF \$50,0000. as claimed in his bankruptcy petition." Plaintiff's bankruptcy petition is  
14 public information and equally available as to what Plaintiff claimed.

15 Further, the Defendant/Debtor has Plaintiff's documents wrongfully, and has failed to return them  
16 despite court orders to do so. See Orders of Judge Michelle Rosenblatt in BC 480013.

17 This information is equally available to the propounder. Please see Alpine Mutual Water Co. v.  
18 Superior Court (1968), 259 Cal.App.2d 45; Ryan v. Superior Court (1960), 186 Cal.App.2d 813;  
19 Pantzalas v. Superior Court (1969), 272 Cal.App.2d 499, 503; and specifically City of Alhambra  
20 v. Superior Court (1980), 110 Cal.App.3d 513, 52.

21 Plaintiff's discovery is continuing and Plaintiff has not had an opportunity to depose the  
22 Defendant because the Defendant will not appear for her deposition. Therefore these Requests  
23 are made in bad faith, premature and as such they are harassing and burdensome, and oppressive,  
24 and not reasonably calculated this time to lead to other discoverable evidence. Notwithstanding  
25 the valid Lawful objections Plaintiff will have to fly to Milwaukee Wi, Louisville Kentucky and  
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1 Evansville Ill in the next few week to obtain certain document that will or could possibly be  
2 produced on a later date if the defendant overcome the lawful objections.

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4 **RESPONSE TO REQUEST No. 15:**

5 Objection. This request is vague and unintelligible in its present form.

6 Plaintiff does not know what is meant by “ held” by Plaintiff. Furthermore Plaintiff objects on  
7 grounds of privacy. See *People v. Superior Court (Kardon)* (1973), 35 Cal. App.3d 710 ; and  
8 *Alch v. Superior Court* (2008), 165 Cal.App.4th 1412, 1427 .

9 Further, the Defendant/Debtor has Plaintiff's documents wrongfully, and has failed to return them  
10 despite court orders to do so. See Orders of Judge Michelle Rosenblatt in BC 480013.

11 Plaintiff's discovery is continuing and Plaintiff has not had an opportunity to depose the  
12 Defendant because the Defendant will not appear for her deposition.

13 Therefore these Requests are made in bad faith, premature and as such they are harassing and  
14 burdensome, and oppressive, and not reasonably calculated this time to lead to other discoverable  
15 evidence. Notwithstanding the valid Lawful objections Plaintiff will have to fly to Milwaukee Wi,  
16 Louisville Kentucky and Evansville Ill in the next few week to obtain certain document that will or  
17 could possibly be produced on a later date if the defendant overcome the lawful objections.

18  
19 **RESPONSE TO REQUEST No. 16**

20 Objection. This request is vague and unintelligible in its present form.

21 Plaintiff does not know what is meant by “ CONCERNING” . Further, the Defendant/Debtor has  
22 Plaintiff's documents wrongfully, and has failed to return them despite court orders to do so. See  
23 Orders of Judge Michelle Rosenblatt in BC 480013.

24 Plaintiff's discovery is continuing and Plaintiff has not had an opportunity to depose the  
25 Defendant because the Defendant will not appear for her deposition.

26 Therefore these Requests are made in bad faith, premature and as such they are harassing and  
27 burdensome, and oppressive, and not reasonably calculated this time to lead to other discoverable  
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1 evidence. Furthermore Plaintiff objects on grounds of privacy. See *People v. Superior Court*  
2 (Kardon) (1973), 35 Cal. App.3d 710 ; and *Alch v. Superior Court* (2008), 165 Cal.App.4th 1412,  
3 1427 . Furthermore Plaintiff objects to the time as so old as to be irrelevant. Notwithstanding the  
4 valid lawful objections Plaintiff will have to fly to Milwaukee Wi, Louisville Kentucky and  
5 Evansville Ill in the next few week to obtain certain document that will or could possibly be  
6 produced on a later date if the defendant overcome the lawful objections.

7 **RESPONSE TO REQUEST No. 17**

8 Objection. Irrelevant. FRE 401, California Evidence Code §210 This request is vague and  
9 unintelligible in its present form. Plaintiff does not know what is meant by “ CONCERNING” .  
10 Further, the Defendant/Debtor has Plaintiff’s documents wrongfully, and has failed to return them  
11 despite court orders to do so. See Orders of Judge Michelle Rosenblatt in BC 480013.  
12 Plaintiff’s discovery is continuing and Plaintiff has not had an opportunity to depose the  
13 Defendant because the Defendant will not appear for her deposition.

14 Therefore these Requests are made in bad faith, premature and as such they are harassing and  
15 burdensome, and oppressive, and not reasonably calculated this time to lead to other discoverable  
16 evidence. Furthermore Plaintiff objects on grounds of privacy. See *People v. Superior Court*  
17 (Kardon) (1973), 35 Cal. App.3d 710 ; and *Alch v. Superior Court* (2008), 165 Cal.App.4th 1412,  
18 1427 . Additionally this evidence may involve trade secrets. Without waiving said objections,  
19 Plaintiff responds as follows: Plaintiff objects to these documents as irrelevant as to age of the  
20 documents. Notwithstanding the valid lawful objections Plaintiff will have to fly to Milwaukee Wi,  
21 Louisville Kentucky and Evansville Ill in the next few week to obtain certain document that will or  
22 could possibly be produced on a later date if the defendant overcome the lawful  
23 objections.**RESPONSE TO REQUEST No. 18**

24 Objection. Irrelevant. FRE 401, California Evidence Code §210 This request is vague and  
25 unintelligible in its present form. Plaintiff does not know what is meant by “ CONCERNING” .  
26 Further, the Defendant/Debtor has Plaintiff’s documents wrongfully, and has failed to return them  
27 despite court orders to do so. See Orders of Judge Michelle Rosenblatt in BC 480013.  
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1 Plaintiff's discovery is continuing and Plaintiff has not had an opportunity to depose the  
2 Defendant because the Defendant will not appear for her deposition.  
3 Therefore these Requests are made in bad faith, premature and as such they are harassing and  
4 burdensome, and oppressive, and not reasonably calculated this time to lead to other discoverable  
5 evidence. Furthermore Plaintiff objects on grounds of privacy. See *People v. Superior Court*  
6 (Kardon) (1973), 35 Cal. App.3d 710 ; and *Alch v. Superior Court* (2008), 165 Cal.App.4th 1412,  
7 1427 . Additionally this evidence may involve trade secrets. Without waiving said objections,  
8 Plaintiff responds as follows: Plaintiff objects to these documents as irrelevant as to age of the  
9 documents.  
10

11 **RESPONSE TO REQUEST No. 19**

12 Objection. Irrelevant. FRE 401, California Evidence Code §210 This request is vague and  
13 unintelligible in its present form. Plaintiff does not know what is meant by " CONCERNING" .  
14 Further, the Defendant/Debtor has Plaintiff's documents wrongfully, and has failed to return them  
15 despite court orders to do so. See Orders of Judge Michelle Rosenblatt in BC 480013.  
16 Plaintiff's discovery is continuing and Plaintiff has not had an opportunity to depose the  
17 Defendant because the Defendant will not appear for her deposition.  
18 Therefore these Requests are made in bad faith, premature and as such they are harassing and  
19 burdensome, and oppressive, and not reasonably calculated this time to lead to other discoverable  
20 evidence. Furthermore Plaintiff objects on grounds of privacy. See *People v. Superior Court*  
21 (Kardon) (1973), 35 Cal. App.3d 710 ; and *Alch v. Superior Court* (2008), 165 Cal.App.4th 1412,  
22 1427 . Additionally this evidence may involve trade secrets. Without waiving said objections,  
23 Plaintiff responds as follows: Plaintiff objects to these documents as irrelevant as to age of the  
24 documents.  
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**RESPONSE TO REQUEST No. 20**

Objection. Irrelevant. FRE 401, California Evidence Code §210 This request is vague and unintelligible in its present form. Plaintiff does not know what is meant by “ CONCERNING” . Further, the Defendant/Debtor has Plaintiff’s documents wrongfully, and has failed to return them despite court orders to do so. See Orders of Judge Michelle Rosenblatt in BC 480013. Plaintiff’s discovery is continuing and Plaintiff has not had an opportunity to depose the Defendant because the Defendant will not appear for her deposition. Therefore these Requests are made in bad faith, premature and as such they are harassing and burdensome, and oppressive, and not reasonably calculated this time to lead to other discoverable evidence. Furthermore Plaintiff objects on grounds of privacy. See *People v. Superior Court* (Kardon) (1973), 35 Cal. App.3d 710 ; and *Alch v. Superior Court* (2008), 165 Cal.App.4th 1412, 1427 . Additionally this evidence may involve trade secrets. Without waiving said objections, Plaintiff responds as follows: Plaintiff objects to these documents as irrelevant as to age of the documents.

**RESPONSE TO REQUEST No. 21**

Objection. Irrelevant. FRE 401, California Evidence Code §210 This request is vague and unintelligible in its present form. Plaintiff does not know what is meant by “ CONCERNING” . Further, the Defendant/Debtor has Plaintiff’s documents wrongfully, and has failed to return them despite court orders to do so. See Orders of Judge Michelle Rosenblatt in BC 480013. Plaintiff’s discovery is continuing and Plaintiff has not had an opportunity to depose the Defendant because the Defendant will not appear for her deposition. Therefore these Requests are made in bad faith, premature and as such they are harassing and burdensome, and oppressive, and not reasonably calculated this time to lead to other discoverable evidence. Furthermore Plaintiff objects on grounds of privacy. See *People v. Superior Court* (Kardon) (1973), 35 Cal. App.3d 710 ; and *Alch v. Superior Court* (2008), 165 Cal.App.4th 1412, 1427 . Additionally this evidence may involve trade secrets. Without waiving said objections.



1 Plaintiff responds as follows: Plaintiff objects to these documents as irrelevant as to age of the  
2 documents.

3 **RESPONSE TO REQUEST No. 22**

4 Objection. Irrelevant. FRE 401, California Evidence Code §210 This request is vague and  
5 unintelligible in its present form. Plaintiff does not know what is meant by “ CONCERNING” .  
6 Further, the Defendant/Debtor has Plaintiff’s documents wrongfully, and has failed to return them  
7 despite court orders to do so. See Orders of Judge Michelle Rosenblatt in BC 480013.  
8 Plaintiff’s discovery is continuing and Plaintiff has not had an opportunity to depose the  
9 Defendant because the Defendant will not appear for her deposition. Therefore these Requests  
10 are made in bad faith, premature and as such they are harassing and burdensome, and oppressive.  
11 and not reasonably calculated this time to lead to other discoverable evidence. Furthermore  
12 Plaintiff objects on grounds of privacy. See *People v. Superior Court* (Kardon) (1973), 35 Cal.  
13 App.3d 710 ; and *Alch v. Superior Court* (2008), 165 Cal.App.4th 1412, 1427 . Additionally this  
14 evidence may involve trade secrets. Without waiving said objections, Plaintiff responds as  
15 follows: Plaintiff objects to these documents as irrelevant as to age of the documents.  
16

17 **RESPONSE TO REQUEST No. 23**

18 Objection. Irrelevant. FRE 401, California Evidence Code §210 This request is vague and  
19 unintelligible in its present form. Plaintiff does not know what is meant by “ CONCERNING” .  
20 Further, the Defendant/Debtor has Plaintiff’s documents wrongfully, and has failed to return them  
21 despite court orders to do so. See Orders of Judge Michelle Rosenblatt in BC 480013.  
22 Plaintiff’s discovery is continuing and Plaintiff has not had an opportunity to depose the  
23 Defendant because the Defendant will not appear for her deposition. Therefore these Requests are  
24 made in bad faith, premature and as such they are harassing and burdensome, and oppressive, and  
25 not reasonably calculated this time to lead to other discoverable evidence. Furthermore Plaintiff  
26 objects on grounds of privacy. See *People v. Superior Court* (Kardon) (1973), 35 Cal. App.3d 710  
27  
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1 : and Alch v. Superior Court (2008), 165 Cal.App.4th 1412, 1427 . Additionally this evidence  
2 may involve trade secrets. Without waiving said objections, Plaintiff responds as follows:  
3 Plaintiff objects to these documents as irrelevant as to age of the documents.

4 **RESPONSE TO REQUEST No. 24**

5 Objection. Irrelevant. FRE 401, California Evidence Code §210 This request is vague and  
6 unintelligible in its present form. Plaintiff does not know what is meant by " CONCERNING" .  
7 Further, the Defendant/Debtor has Plaintiff's documents wrongfully, and has failed to return them  
8 despite court orders to do so. See Orders of Judge Michelle Rosenblatt in BC 480013.  
9 Plaintiff's discovery is continuing and Plaintiff has not had an opportunity to depose the  
10 Defendant because the Defendant will not appear for her deposition.  
11 Therefore these Requests are made in bad faith, premature and as such they are harassing and  
12 burdensome, and oppressive, and not reasonably calculated this time to lead to other discoverable  
13 evidence. Furthermore Plaintiff objects on grounds of privacy. See *People v. Superior Court*  
14 (Kardon) (1973), 35 Cal. App.3d 710 ; and Alch v. Superior Court (2008), 165 Cal.App.4th 1412.  
15 1427 . Additionally this evidence may involve trade secrets. Without waiving said objections,  
16 Plaintiff responds as follows: Plaintiff objects to these documents as irrelevant as to age of the  
17 documents.  
18

19  
20 **RESPONSE TO REQUEST No. 25**

21 Objection. Irrelevant. FRE 401, California Evidence Code §210 This request is vague and  
22 unintelligible in its present form. Plaintiff does not know what is meant by " CONCERNING" .  
23 Further, the Defendant/Debtor has Plaintiff's documents wrongfully, and has failed to return them  
24 despite court orders to do so. See Orders of Judge Michelle Rosenblatt in BC 480013.  
25 Plaintiff's discovery is continuing and Plaintiff has not had an opportunity to depose the  
26 Defendant because the Defendant will not appear for her deposition.  
27  
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1 Therefore these Requests are made in bad faith, premature and as such they are harassing and  
2 burdensome, and oppressive, and not reasonably calculated this time to lead to other discoverable  
3 evidence.

4 Furthermore Plaintiff objects on grounds of privacy. See *People v. Superior Court*  
5 (Kardon) (1973), 35 Cal. App.3d 710 ; and *Alch v. Superior Court* (2008), 165 Cal.App.4th 1412,  
6 1427 . Additionally this evidence may involve trade secrets. Without waiving said objections,  
7 Plaintiff responds as follows: Plaintiff objects to these documents as irrelevant as to age of the  
8 documents.  
9 documents.

10 **RESPONSE TO REQUEST No. 26**

11 Objection. Irrelevant. FRE 401, California Evidence Code §210 This request is vague and  
12 unintelligible in its present form. Plaintiff does not know what is meant by “ CONCERNING” .  
13 even with definitions included. Further, the Defendant/Debtor has Plaintiff’s documents  
14 wrongfully, and has failed to return them despite court orders to do so. See Orders of Judge  
15 Michelle Rosenblatt in BC 480013. Plaintiff’s discovery is continuing and Plaintiff has not had an  
16 opportunity to depose the Defendant because the Defendant will not appear for her deposition.  
17 Therefore these Requests are made in bad faith, premature and as such they are harassing and  
18 burdensome, and oppressive, and not reasonably calculated this time to lead to other discoverable  
19 evidence. Furthermore Plaintiff objects on grounds of privacy. See *People v. Superior Court*  
20 (Kardon) (1973), 35 Cal. App.3d 710 ; and *Alch v. Superior Court* (2008), 165 Cal.App.4th 1412,  
21 1427 . Additionally this evidence may involve trade secrets. Without waiving said objections,  
22 Plaintiff responds as follows: Plaintiff objects to these documents as irrelevant as to age of the  
23 documents.  
24 documents.

25 **RESPONSE TO REQUEST No. 27**

26 Objection. Irrelevant. FRE 401, California Evidence Code §210 This request is vague and  
27 unintelligible in its present form. Plaintiff does not know what is meant by “ CONCERNING” .  
28



Further, the Defendant/Debtor has Plaintiff's documents wrongfully, and has failed to return them despite court orders to do so. See Orders of Judge Michelle Rosenblatt in BC 480013. Plaintiff's discovery is continuing and Plaintiff has not had an opportunity to depose the Defendant because the Defendant will not appear for her deposition. Therefore these Requests are made in bad faith, premature and as such they are harassing and burdensome, and oppressive, and not reasonably calculated this time to lead to other discoverable evidence. Furthermore Plaintiff objects on grounds of privacy. See *People v. Superior Court* (Kardon) (1973), 35 Cal. App.3d 710 ; and *Alch v. Superior Court* (2008), 165 Cal.App.4th 1412, 1427 . Additionally this evidence may involve trade secrets. Without waiving said objections, Plaintiff responds as follows: Plaintiff objects to these documents as irrelevant as to age of the documents.

**RESPONSE TO REQUEST NO. 28.**

Objection. The Request as worded is unintelligible, vague and Plaintiff is uncertain as to what is meant by "CONCERNING " , and " any of the property".

Without waiving said objection Plaintiff responds as follows:

Plaintiff's investigation is ongoing and Plaintiff may discover other facts relevant to his claim. Additionally this Request calls for a legal conclusion in the response. Additionally this information is equally available to the propounder. Please see *Alpine Mutual Water Co. v. Superior Court* (1968), 259 Cal.App.2d 45; *Ryan v. Superior Court* (1960), 186 Cal.App.2d 813; *Pantzas v. Superior Court* (1969), 272 Cal.App.2d 499, 503; and specifically *City of Alhambra v. Superior Court* (1980), 110 Cal.App.3d 513, 52.

Plaintiff's discovery is continuing and Plaintiff has not had an opportunity to depose the Defendant because the Defendant will not appear for her deposition to determine her wrongful possession of these documents.

1 Therefore these Requests are made in bad faith, premature and as such they are harassing and  
2 burdensome, and oppressive, and not reasonably calculated this time to lead to other discoverable  
3 evidence. Without waiving said objection and responding in good faith, Plaintiff responds:  
4 All documents upon which Plaintiff bases his contention on any claim are equally available. See  
5 the Complaint in Moore vs. Martin Bragg, LASC BC 480013, the Special Verdicts and the  
6 Judgements entered thereon on September 3, 2013, and September 8, 2013 and the actions in which  
7 Debtor/Defendant is a party, including her two bankruptcies. Notwithstanding the valid lawful  
8 objections Plaintiff will have to fly to Milwaukee Wi, Louisville Kentucky and Evansville Ill in the  
9 next few week to obtain certain document that will or could possibly be produced on a later date if  
10 the defendant overcome the lawful objections.

11 **RESPONSE TO REQUEST No. 29**

12 Objection. Irrelevant FRE 410 and CEC 210. Attorney Client Privilege. ( See *Deary v. Superior*  
13 *Court (Hendrick)* (2001), 87 Cal.App.4th 1072, ;See *Stadish v. Superior Court* (1999) 71  
14 Cal.App.4th 1130, 1140-1141 [84 Cal.Rptr.2d 350]; *Scottsdale Ins. Co. v. Superior Court* (1997)  
15 59 Cal.App.4th 263, 274 [69 Cal.Rptr.2d 112].)" Mr Hills and Plaintiff are represented in actions  
16 by the same attorney. This Request is overly broad and vague and ambiguous as to which  
17 "COMMUNICATIONS" are requested. As such Plaintiff objects to the form of this question as  
18 C.C.P. §2031.030(c)(1) failing in "describing each individual item or by reasonably particularizing  
19 each category...." This request is compound, and conjunctive and unintelligible in its present form.  
20 Vague as to "CONCERNING". Even with the definition provided Plaintiff cannot understand  
21 what is meant by this Request and "CONCERNING". Objection as to trade secrets. (See *Standish*  
22 *v. Superior Court* (1999), 71 Cal.App.4th 1130, 1141) This request is unduly burdensome and  
23 overbroad because much of what it seems to call for is irrelevant to this action with regard to  
24 communications with Ronald Hills. It lacks the particularity and specificity so Plaintiff is unable  
25 to respond. Objection as to privacy and unduly intrusive. And objection as to relevancy in time.  
26 Notwithstanding the valid lawful objections Plaintiff will have to fly to Milwaukee Wi, Louisville  
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1 Kentucky and Evansville Ill in the next few week to obtain certain document that will or could  
2 possibly be produced on a later date if the defendant overcome the lawful objections.

3 **RESPONSE TO REQUEST No. 30**

4 Plaintiff is unable to produce documents which Defendant/Debtor has Plaintiff's documents  
5 wrongfully, and has failed to return them despite court orders to do so. See Orders of Judge  
6 Michelle Rosenblatt in BC 480013.

7 Plaintiff's discovery is continuing and Plaintiff has not had an opportunity to depose the  
8 Defendant because the Defendant will not appear for her deposition.

9 Therefore these Requests are premature and as such they are harassing and burdensome, and  
10 oppressive, and not reasonably calculated this time to lead to other discoverable evidence.

11 Objection. Privilege California recognizes a "privilege against forced disclosure of tax returns" in  
12 "civil discovery proceedings." Schnabel v. Superior Court (1993) 5 Cal.4th 704. Webb v.  
13 Standard Oil Co. (1957) 49 Cal.2d 509, 513.) Additionally this request violates Plaintiff's right to  
14 privacy. Objection is made also in that this is unduly burdensome and irrelevant, and exceed time  
15 limitations therefore are irrelevant.

16 Notwithstanding the valid lawful objections Plaintiff will have to fly to Milwaukee Wi, Louisville  
17 Kentucky and Evansville Ill in the next few week to obtain certain document that will or could  
18 possibly be produced on a later date if the defendant overcome the lawful objections.  
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**VERIFICATION**

I am the Plaintiff in the above entitled matter. I have read the foregoing **IVAN RENE MOORE**  
**RESPONSE TO DEFENDANT DEBTOR KIMBERLY BARBOUR'S FIRST REQUEST FOR**  
**PRODUCTION OF DOCUMENTS** and know the contents thereof. With respect to these  
Responses, the same is true by my own knowledge, except as those matters which are therein  
stated on information and belief, and, as to those matters, I believe them to be true.

Notwithstanding this litigation is ongoing and this plaintiff reserves his right to modify his  
answers if new information is discovered.

I declare under the penalty of perjury under the laws of the United States, that the forgoing is true  
and correct.

Dated: May 3<sup>th</sup>, 2017

  
Ivan Rene Moore

Plaintiff In Pro Se

**PROOF OF SERVICE BY MAIL**  
**STATE OF CALIFORNIA**  
**COUNTY OF LOS ANGELES**

I am employed in the County of Los Angeles, State of California. I am over the age of 18 and I am party to the action within. My business address is 1236 Redondo Blvd, Los Angeles, California 90019. On May 3<sup>rd</sup>, 2017, I served the foregoing documents described as:

**IVAN RENE MOORE RESPONSE TO DEFENDANT DEBTOR KIMBERLY  
BARBOUR'S FIRST REQUEST FOR PRODUCTION OF DOCUMENTS  
SET ONE**

on the interested parties in this action by email and by placing true copies thereof enclosed in a sealed envelope and addressing as follows:

Steven Schuman  
(Attorney for Defendant Bragg)  
9460 Olympic Blvd  
Los Angeles California 90212

Executed on May 3<sup>rd</sup>, 2017 at Los Angeles, California. I declare under penalty of perjury, under the laws of the United States that the foregoing is true and correct.

Ivan Rene Moore

# EXHIBIT

# N



**SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES**

**Civil Division**

Central District, Stanley Mosk Courthouse, Department 56

**BC480013**

**IVAN RENE MOORE VS KIMBERLY MARTIN-BRAGG**

August 26, 2020

8:30 AM

Judge: Honorable Holly J. Fujie

Judicial Assistant: O.Chavez

Courtroom Assistant: B.Chavez

CSR: None

ERM: None

Deputy Sheriff: None

---

did not set forth a deadline for Defendant to comply with such judgment. Thus, due to the lack of a clear and definite deadline therein, Plaintiff is not in violation of the Court's November 8, 2013 interlocutory judgment by a purported failure to return the property as of this date.

Therefore, Plaintiff's request for contempt to obtain the subject property is not the appropriate procedural mechanism.

**Issue No.2: Impossibility**

"The facts essential to jurisdiction for a contempt proceeding are (1) the making of the order; (2) knowledge of the order; (3) ability of the respondent to render compliance, [and] (4) willful disobedience of the order." (Application of Liu (1969) 273 Cal.App.2d 135, 140.)

The Court finds that based on Defendant's declaration, there is no possibility that Defendant can comply with the Court's November 8, 2013 judgment. Defendant has clearly declared, under the penalty of perjury, that she no longer possesses any of the property at issue in the November 8, 2013 judgment due to the writ executed by Wells Fargo. Thus, under Liu, there is no basis for this Court to hold Defendant in contempt or order an OSC re: contempt. Plaintiff provides no legal authority to support an argument that inconsistent or contradictory statements in pleadings or affidavits rise to the level of contemptible behavior, or that inconsistent and contradictory statements are per se false and warrant a finding of contempt.

Plaintiff only presents speculative facts in his declaration to support contempt against Defendant. A court, however, is to accept a self-serving declaration filed by a party. (Scalf v. D.B. Log Homes, Inc. (2005) 128 Cal.App.4th 1510, 1521-1522.) Plaintiff has presented no evidence that Defendant is in fact aware that the property at issue is in her garage.

Therefore, the Court DENIES WITH PREJUDICE Plaintiff's renewed motion in its entirety.

Moving party is ordered to give notice of this ruling.

Dated this 26th day of August 2020

HOLLY J. FUJIE

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Hon. Holly J. Fujie  
Judge of the Superior Court

# EXHIBIT

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# EXHIBIT

# P

Proceeding Complaint, para. 78.)) The bankruptcy court "dismiss[ed] the adversary proceeding with prejudice due to [Moore's] failure to pay the sanctions" of \$13,000 due under a sanctions order, without addressing Moore's arguments under Section 523. (RFJN, Exh. 6 (11/17/17 Order.))

Bragg's Ex Parte Application does not address Section 523(a) at any point. This argument is not new to Bragg and is reiterated in Moore's Opposition to the Application. Given that the Final Judgment followed a jury verdict finding Bragg liable for conversion and trespass to chattels in the amount of \$3.15 million based on allegations that Bragg took Moore's property after evicting him, the Final Judgment may represent a debt for Bragg's "willful and malicious injury . . . to the property of another entity." (11 U.S.C. sec. 523(a)(6).) Bragg does not argue the dismissal of Moore's adversary proceeding constituted a determination that the Final Judgment was discharged. On the other hand, Judge Fujie found on December 1, 2021 that "the Money Judgment evidenced in the Final Judgment was itself discharged in Defendant's bankruptcy proceeding," indicating that the discharge may have encompassed Moore's judgment.

Bragg's Ex Parte Application provides insufficient grounds for Department 1 to determine on an ex parte basis that the bankruptcy court's January 9, 2017 order discharging Bragg's debts encompassed the Final Judgment (or its monetary component). There is no evidence that any judge has yet addressed whether the Final Judgment falls under Section 523(a)(6). However, the dismissal of Moore's adversary proceeding *with prejudice* and Judge Fujie's December 1, 2021 Order indicate the Final Judgment was indeed discharged. This critical issue goes to the validity of a \$3.15 million judgment at the heart of this litigation and is much better-suited to determination by a fully noticed motion before Judge Fujie rather than an ex parte application before Department 1, particularly where Judge Fujie may already have some familiarity with the issue.

**RULING**  
**JUDGE DAVID J. COWAN**  
**DEPARTMENT 1**

Date: Tuesday, December 21, 2021  
Case Number: BC480013  
Case Name: *Ivan Renee Moore v. Kimberly Martin-Bragg*  
Moving Party: Kimberly Bragg  
Responding Party: Ivan Rene Moore  
Ex Parte Application: Recall Writ of Execution and Cancel Abstract of Judgment

Ruling: **The Application is GRANTED AS STATED HEREIN. Enforcement of the Writ of Execution is stayed pending a final determination of whether the Final Judgment was discharged during Bragg's bankruptcy proceedings. The Application is otherwise DENIED WITHOUT PREJUDICE.**

**BACKGROUND**

On November 8, 2013, following a jury trial, the Court entered an interlocutory judgment in favor of Ivan Renee Moore and against Kimberly Bragg for \$3.15 million, finding Bragg liable for conversion and trespass to chattels in taking Moore's personal property after an eviction. The interlocutory judgment required Bragg to return certain property to Moore with reductions in the damages Bragg must pay based on the property returned.

On May 23, 2016, the civil court entered a Final Judgment incorporating and superseding the interlocutory judgment.

On September 28, 2016, Bragg filed for Chapter 7 bankruptcy.

On January 9, 2017, the bankruptcy court issued an order discharging Bragg's debts "under 11 U.S.C. [sec.] 727." (RFJN, Exh. 6.)<sup>1</sup>

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<sup>1</sup> The Court grants Bragg's unopposed requests for judicial notice of several court filings and orders, including orders of the U.S. Bankruptcy Court for the Central District of California in case no. 2:16-bk-22878-BR, Bragg's Chapter 7 bankruptcy proceeding.



On September 27, 2021, Moore obtained a Writ of Execution for \$3.15 million based on the Final Judgment.

On November 16, 2021, Moore obtained an abstract of judgment. (RFJN, Exh. 12.)

On November 24, 2021, Moore recorded the abstract of judgment, which “may constitute a lien against” 6150/6160 Shenandoah Avenue, Los Angeles, CA 90056. (RFJN, Exh. 13.)

On December 14, 2021, Kimberly Bragg filed an Ex Parte Application to Recall Writ of Execution and Cancel Abstract of Judgment.

On December 16, 2021, Ivan Renee Moore filed an Opposition to the Ex Parte Application.

### **DISCUSSION**

Bragg seeks to recall and cancel the Writ of Execution issued September 27, 2021 and abstract of judgment issued November 16, 2021 on the grounds that both are based on the Final Judgment purportedly discharged by the bankruptcy court on January 7, 2021. Bragg contends emergency relief is warranted because the cloud resulting from the recordation of the abstract of judgment will impact the refinancing of her home if not cleared. (See CCP sec. 697.310(a) (“Except as otherwise provided by statute, a judgment lien on real property is created under this section by recording an abstract of a money judgment with the county recorder.”)) Bragg alleges her “loan cannot close” and she “will lose [her] rate lock and suffer substantial monetary damages” if the lien is not cleared “immediately.” (Bragg Decl., para. 7.) Bragg also contends she is at immediate risk of invalid collection from Moore pursuant to the live Writ of Execution. Bragg alleges emergency relief is necessary to avoid losing her “rate lock” for her refinancing and to avoid collection under the Writ of Execution.

Bragg has not established exigent circumstances with respect to her alleged refinancing. (CRC 3.1202(c) ("An applicant must make an affirmative factual showing in a declaration containing competent testimony based on personal knowledge of irreparable harm, immediate danger, or any other statutory basis for granting relief ex parte.")) Bragg's Declaration is vague regarding the specific property at issue, the rate lock, the extent of monetary damages suffered if the rate is lost, or any other relevant details. Moreover, there is no supporting evidence showing that Bragg has a rate lock or that the rate lock is "immediately" threatened by the lien from the recordation of the abstract of judgment (e.g., a letter from the lender on this subject). Bragg has not made an affirmative factual showing of irreparable harm or immediate danger from the abstract of judgment. However, the risk of Moore levying on Bragg's assets under a potentially invalid Writ of Execution represents an immediate danger to Bragg. Thus, the Court reaches the merits of the Application with respect to the Writ of Execution.

On January 9, 2017, the bankruptcy court granted Bragg a "discharge under 11 U.S.C. [sec.] 727." (RFJN, Exh. 2; 11 U.S.C. sec. 727(b) (Except as provided in section 523 of this title, a discharge under . . . this section discharges the debtor from all debts that arose before the date of the order for relief under this chapter. . . .)) However, a "discharge under section 727 . . . does not discharge an individual debtor" from certain types of debts enumerated in 11 U.S.C. sec. 523(a). In particular, a discharge under section 727 does not discharge an individual debtor's debts "for willful and malicious injury by the debtor to another entity or to the property of another entity," among other exceptions. (11 U.S.C. sec. 523(a)(6).)

Following Bragg's discharge, Moore filed an adversary proceeding in bankruptcy court arguing that "the judgment in LASC case number BC480013 is NONDISCHARGEABLE DEBT PURSUANT TO 11 U.S.C. [sec.] 523(a)(2), (4), (6) and (11))." (RFJN, Exh. 6 (Adversary

Finally, it is unclear what statutory mechanism or authority Bragg relies upon to seek cancellation or recall of the recorded Abstract of Judgment and resulting lien. (See CPP sec. 697.310, *et seq.* (statutory scheme for judgment liens on real property)) It is thus unclear from the Application that the Court can grant the requested relief with respect to the Abstract of Judgment and/or the lien.

Hence, the Court declines to now discharge, cancel, or recall the Abstract of Judgment and Writ of Execution. Instead, in order to maintain the status quo pending determination of this issue and to avert any immediate danger to Bragg from the Writ of Execution, the Court stays enforcement of the Writ of Execution pending further order. Moore is not permitted to levy on Bragg's assets pursuant to the Writ of Execution pending a final determination of whether the monetary component of the Final Judgment was discharged by the bankruptcy court. The Application is otherwise DENIED WITHOUT PREJUDICE.



# EXHIBIT

# Q

UNITED STATES BANKRUPTCY COURT  
CENTRAL DISTRICT OF CALIFORNIA

--oOo--

In Re:	)	Case No. 2:16-bk-22878-BR
	)	
KIMBERLY BARBOUR,	)	Chapter 7
	)	
Debtor.	)	Los Angeles, California
	)	Tuesday, May 10, 2022
	)	2:00 p.m.
MOORE,	)	
	)	Adv. No. 2:22-ap-01058-BR
Plaintiff,	)	
	)	
vs.	)	
	)	
BARBOUR, ET AL.,	)	
	)	
Defendants.	)	
	)	
MOORE,	)	Adv. No. 2:22-ap-01080-BR
	)	
Plaintiff,	)	
	)	
vs.	)	
	)	
BARBOUR, ET AL.,	)	
	)	
Defendants.	)	

Proceedings recorded by electronic sound recording;  
transcript produced by transcription service.

1 STATUS CONFERENCE RE COMPLAINT  
2 1. DEBTOR'S FRAUD PURSUANT TO  
3 28 USC SECTION 523(a)(2)(A)  
4 2. DEBTOR'S FRAUD PURSUANT TO  
5 28 USC SECTION 523(a)(2)(B)  
6 3. DEBTOR'S FRAUD PURSUANT TO  
7 28 USC SECTION 523(a)(4)  
8 4. DEBTOR'S FRAUD PURSUANT TO  
9 28 USC SECTION 523(a)(6)  
10 5. LARCENY/CONTINUING  
11 CONVERSION  
12 7. FRAUDULENT TRANSFERS  
13 8. CONSTRUCTIVE TRUST  
14 9. VIOLATION OF PENAL CODE  
15 SECTION RECEIVE AND/OR  
16 CONCELING STOLEN PROPERTY  
17 ALLEGATION FOR PUNITIVE  
18 DAMAGES

19 HRG. RE MOTION TO DISMISS  
20 ADVERSARY PROCEEDING IN ITS  
21 ENTIRETY PURSUANT TO FEDERAL  
22 RULE OF CIVIL PROCEDURE  
23 12(b)(6)

24 STATUS CONFERENCE RE COMPLAINT  
25 FOR DAMAGERS FOR  
1. BANKRUPTCY FRAUD (18 U.S.C.  
SECTION 157)  
2. BANKRUPTCY FRAUD (18 U.S.C.  
SECTION 152  
3. BANKRUPTCY FRAUD (18 U.S.C.  
SECTION 521)  
4. INDEPENDENT ACTION FOR  
RELIEF FROM DISCHARGE ORDER TO  
REMEDY FRAUD UPON THE COURT  
5. CAUSES OF ACTION UNDER 11  
U.S.C. SECTION 523(a)(6)  
6. CAUSES OF ACTION UNDER 11  
U.S.C. SECTION 727(a)(3)

HRG. RE MOTION TO DISMISS  
ADVERSARY PROCEEDING IN ITS  
ENTIRETY PURSUANT TO FEDERAL  
RULE OF CIVIL PROCEDURE  
12(b)(6)



TRANSCRIPT OF PROCEEDINGS  
BEFORE THE HONORABLE BARRY RUSSELL  
UNITED STATES BANKRUPTCY JUDGE

APPEARANCES:

For the Debtor:

STEVEN A. SHULMAN, ESQ.  
Leonard, Dicker & Schreiber  
9430 Olympic Boulevard  
Suite 400  
Beverly Hills, California  
90212  
(310) 551-1987

For the Creditor:

IVAN RENE MOORE, IN PRO PER  
1236 Redondo Boulevard  
Los Angeles, California 90019  
(323) 932-9439

Court Recorder:

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United States Bankruptcy Court  
Edward R. Roybal Federal  
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255 East Temple Street  
Los Angeles, California 90012

Transcriber:

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9711 Cactus Street  
Suite B  
Lakeside, California 92040  
(310) 410-4151

1        LOS ANGELES, CALIFORNIA TUESDAY, MAY 10, 2022 2:00 PM

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3                (Call to order of the Court.)

4                THE CLERK: Could you please be seated? Number  
5 One through Four, Kimberly Barbour.

6                THE COURT: Okay. Give your appearances, please.

7                MR. SCHUMAN: Yes. Good afternoon, your Honor.  
8 Steven Schuman on behalf of all of the Defendants in both  
9 actions.

10               THE COURT: Okay.

11               And, Mr. Moore?

12               MR. MOORE: Good afternoon, your Honor. Ivan  
13 Renee Moore, creditor, Plaintiff.

14               THE COURT: Okay. So this is a number of things.  
15 A status conference on this -- actually, there are two  
16 complaints. A motion to dismiss both of the complaints. So  
17 those are the four items.

18               You're the Movant, do you want -- I've read  
19 numerous times the papers, so if you come to the podium.

20               MR. SCHUMAN: Yes, your Honor.

21               THE COURT: All right.

22               MR. SCHUMAN: If you want to make light work of  
23 it, you can -- you can --

24               THE COURT: Well, no I -- I've read, I've read  
25 extensively. I've read this numerous times, but the both of

1 you have a chance to summarize --

2 MR. SCHUMAN: Right.

3 THE COURT: -- your argument. But there, there  
4 are two. Let's take them one at a time. The arguments I  
5 know are very -- from your standpoint are similar, but the  
6 complaints are not identical. So --

7 MR. SCHUMAN: Not identical, but close enough to  
8 discuss together. The easy way to dismiss both of them as a  
9 matter of law is that they're five years after the filing  
10 deadline for an adversary.

11 THE COURT: But those -- there are a number of  
12 things you've raised, and -- because they are different.  
13 There are a number of grounds. And by the way, I'm not  
14 going to have any argument.

15 You say I -- Mr. Moore, you made a motion to  
16 evidence and all sorts of -- and discovery. This is a  
17 matter of law, so I'm not going to argue with you. But  
18 that's why I've denied it, because this is not a trial, this  
19 is a motion and these are issues of law.

20 And so, that's why, that's why I denied that, so,  
21 so we know just so -- for the procedural -- let me get my  
22 -- let me get the motions and the complaints, because I'm  
23 just going to go -- there are a number of things. Of  
24 course, the one thing they have somewhat in common of -- is  
25 Section 523(a)(2), (4) and (6), which was -- but even the



1 original complaint, just so we know what we're talking  
2 about. The original complaint I have a copy of, just a  
3 sheet.

4 It was, one, fraudulent bankruptcy filing, 18  
5 U.S.C. 157, nondischargeability, 523(a)(2), (4), (6).  
6 conversion, embezzlement, fraudulent transfers, replevin,  
7 false light, tortuous interference with perspective economic  
8 advantage, fraud, defamation, constructive trust, negligent  
9 misrepresentation. That was the original complaint.

10 So -- and so let me go through the -- just to  
11 summarize. We'll take them one at a time, but I know you're  
12 response was pretty much the same, but I want to make the  
13 record clear for everybody's sake.

14 And these -- let's take -- there are two  
15 complaints. Which one -- let's see. On the calendar one is  
16 adversary number 22878. Let me see which one -- Stacey,  
17 which one is that on the calendar?

18 THE CLERK: There's 22-01058.

19 THE COURT: Okay. We have 22, we have this one,  
20 right. This is --

21 THE CLERK: So this is this one.

22 THE COURT: That's this one?

23 THE CLERK: Right.

24 THE COURT: Well, wait, that's --

25 THE CLERK: That's the adversary.

1 THE COURT: Well, isn't this --

2 THE CLERK: That's the main case.

3 THE COURT: I'm sorry. I was giving the case  
4 number. Okay. So the two adversaries, one is 01058, and  
5 the other one is -- if you could get me just the complaint.  
6 Okay. And the other one is -- no, 01058. That's the one  
7 you just handed me.

8 THE CLERK: Right.

9 THE COURT: Do we have other one?

10 THE CLERK: The other one is 01080.

11 THE COURT: Yeah. Could you find that here?

12 THE CLERK: Those are the two right there.

13 THE COURT: That's these?

14 THE CLERK: Yes.

15 THE COURT: Yeah. If you could get me just the  
16 complaint. There we go. It should be -- here we go. This  
17 is the complaint.

18 THE CLERK: Yes.

19 THE COURT: Here we -- okay. So, which one's on  
20 the calendar first?

21 THE CLERK: The first one was the 58 one.

22 THE COURT: Okay. Is the -- is this other one.  
23 Okay.

24 Okay. Fraudulent transfers, trust -- okay. The  
25 -- they are actually similar but slightly, slightly

1 different. The -- okay. So, your motion and your, in  
2 particular, your response to the opposition, was pretty much  
3 the same, but, still, why don't you go through them or --

4 MR. SCHUMAN: Of course, your Honor. The first,  
5 again, the first thing that just ends both hearings is that  
6 he's five years past the deadline to file an adversary  
7 proceeding.

8 THE COURT: Right.

9 MR. SCHUMAN: So that's --

10 THE COURT: Well, that's at least on the  
11 523(a)(2), (4) and (6).

12 MR. SCHUMAN: Well, it -- okay. And he's got no  
13 -- it's not the business of this bankruptcy court to  
14 adjudicate, for example, fraud -- state law fraud claims  
15 that he's --

16 THE COURT: Well, that's basically what you're  
17 argument is. There are two things. One is, some of these  
18 things just don't make any sense, for instance, penal code  
19 violations, and I'll get --

20 MR. SCHUMAN: Right.

21 THE COURT: This is not a criminal court, as I've  
22 been -- so, some of these things are just -- Mr. Moore, I'll  
23 get to you in a minute, just thrown in things. This is not  
24 a criminal court. So, for instance, let's take the 01508.  
25 You have the 523(a)(2), (4), all those, the first four, and



1 then I'm talking about the adversary 01058.

2           The complaint says -- the first four causes of  
3 action, I've gone through this before, res judicata,  
4 collateral estoppel. I've already dismissed the complaint.  
5 They're the same claims as before.

6           Then you have larceny, continuing conversion, all  
7 these, constructive trust and then, of course, you have  
8 receiving and/or concealing stolen property. I've read all  
9 the papers about the going out to the house and finding this  
10 car and all that. But you're quite correct though, those  
11 are all post-bankruptcy. And so the -- those, the  
12 continuing -- those are not appropriate for this Court.

13           So --

14           MR. SCHUMAN: I mean, here's the simple --

15           THE COURT: -- so your argument, as far as the  
16 things that happened after the bankruptcy, if -- at least as  
17 to this complaint -- and they have been -- has been  
18 litigation. I know just by seeing the Judge Otis Wright, it  
19 was between Wells Fargo, all having to do with the personal  
20 property, as I recall --

21           MR. SCHUMAN: Right.

22           THE COURT: -- competing interests in the  
23 property. And I indicated before when I lifted the stay as  
24 to that, that's up to the state court, that litigation, and  
25 that really is all the other things, that is, continuing

1 conversion. The violation of the penal code, again, is  
2 just, unfortunately, frivolous, Mr. Moore. This is not a  
3 criminal court. That's not a proper one for me to even  
4 consider. Fraudulent transfers is not appropriate. That's  
5 this particular complaint.

6 Have I -- and have I -- have I -- for your  
7 argument, of course, obviously this is with you. I'll hear  
8 from -- that's the one complaint. The only -- and then  
9 there's the other complaint, that is, the 01080. They're  
10 two separate complaints.

11 Now, they, they deal with -- the first two, and on  
12 that second, on the 01080, have to do with criminal. Again,  
13 section eight -- Title 18, 157, 152, all -- those are  
14 criminal statutes. This is not a criminal court, so those  
15 pretty clearly I have nothing to do with.

16 Causes of action, then there's -- this is new, and  
17 there's also a cause of action under 523(a)(6) or 727.  
18 These are all -- and for the damages. The one that is new  
19 is under the 01080, is Rule 60(d)(3)'s fraud upon the court,  
20 as basically asking to undo the discharge. Well, the  
21 problem with that is, it's basically asking for revocation  
22 of discharge, and that's covered by the statute, 727, which  
23 is a one-year reach back.

24 So -- and again, I'm just summarizing what I know  
25 you said in your papers, but you'll get the -- since you're

1 the Movant, you'll get the second-to-the-last word on this.  
2 But do you have anything to add at this point?

3 MR. SCHUMAN: Well, yeah. I think -- I like to  
4 make things simple.

5 THE COURT: Okay.

6 MR. SCHUMAN: If what he's complaining about  
7 happened before the discharge, then it's discharged.

8 THE COURT: Right.

9 MR. SCHUMAN: If it happened after the discharge,  
10 then it happened after the bankruptcy was filed, and it's  
11 not part of this bankruptcy, and he can go file in state or  
12 federal court or wherever there might be jurisdiction.

13 So, there's no room for him to have a client that  
14 he has -- that belongs here.

15 THE COURT: And by the way, I forgot the and, and  
16 I'll mention this to Mr. Moore. You had asked for like  
17 defaults about these folks that I don't have any  
18 jurisdiction -- this is not your bankruptcy case, this is  
19 the Debtor's bankruptcy case.

20 I have no -- you've been complaining about  
21 jurisdiction. I think it was wrong in many respects, but in  
22 this particular case, you have these suits against Steve  
23 Schuman, against the law firm, other people. It's pretty  
24 clear as a matter of law, I don't have any jurisdiction over  
25 those folks. I'm not saying you have a good cause of action



1 or not. I have no opinion on that. But if you're going to  
2 sue them, it's not going to be in this court, it's going to  
3 have to be somewhere else. I guess it only leaves, you  
4 know, federal district court of state court.

5 I'm not suggesting for either of you anything, but  
6 I can tell you it is not in this court. I don't have any  
7 jurisdiction over those folks. Maybe you have good  
8 complaints about what they did or didn't do, but this is not  
9 the court. This is a bankruptcy court dealing with the  
10 bankruptcy of Kimberly Barbour.

11 And so -- so -- and it's not -- again, I'm just  
12 adding ad nauseam, this is not a criminal court. I have no  
13 jurisdiction over these alleged violations. And any causes  
14 of action under 727 and 523, as I indicated before, the time  
15 has long since passed.

16 So, you wanted -- I'm sorry I interrupted you.  
17 And then, of course, I'll hear from Mr. Moore, but what do  
18 you have to say?

19 MR. SCHUMAN: There's one other way to look at  
20 this that's from an overview in simplicity. Everything that  
21 Mr. Moore is complaining about relates to the same personal  
22 property. Now he changes what the personal property is,  
23 sometimes it's bearer bonds or gold bars --

24 THE COURT: Or a car.

25 MR. SCHUMAN: -- and sometimes it's a vehicle, a

1 car, and recording equipment. This is the same personal  
2 property that was subject to the state case in 2013. Same  
3 personal property that was subject to that prior --

4 THE COURT: Well, it was a judgment of over  
5 \$3,000,000.

6 MR. SCHUMAN: Right. And the same one that was --  
7 same personal property that we talked about in the adversary  
8 years ago that was dismissed.

9 THE COURT: Right.

10 MR. SCHUMAN: So, for example, what he says now  
11 is, ah-ha, the car, which is on the list of personal  
12 property, was discovered recently. Well, it wasn't. That's  
13 a lie, but you can't make that determination on the  
14 pleadings.

15 THE COURT: No, on the papers, I have to assume  
16 that's accurate --

17 MR. SCHUMAN: On the pleadings you have to assume  
18 it's true as --

19 THE COURT: -- not that it's correct.

20 MR. SCHUMAN: --- as silly as it may be. But the  
21 problem is for him, is we already litigated that property.  
22 It's the same property that he said was concealed before,  
23 that would justify knocking out the discharge.

24 THE COURT: Right.

25 MR. SCHUMAN: It's the same property he sued Wells

1 Fargo about. It's the same property that the Federal  
2 District Court, Central District, said, stop suing about  
3 this personal property.

4 THE COURT: Well, that's what Judge Wright said.

5 MR. SCHUMAN: That's right. Stop suing about the  
6 same personal property. It's not just a vexatious litigant  
7 suing a lot, it's a vexatious litigant suing over and over  
8 again about the same property.

9 THE COURT: I understand that. We had a  
10 conversation last time. I was quite surprised by your  
11 response. You argue in your papers, which I disagree with,  
12 that the district court's vexatious litigant applies here.  
13 It just does not.

14 And then I asked you, and I was surprised, because  
15 you could of course file, if you wish to, the same motion,  
16 which would have -- and depending on the result, would  
17 result in here. And I was started, quite frankly, since you  
18 cite Judge Wright's opinion that it applies here, it  
19 doesn't, but you could do the same here. And you -- did you  
20 talk about that with your client?

21 MR. SCHUMAN: Your Honor, we --

22 THE COURT: Because you had --

23 MR. SCHUMAN: -- we're -- at this point, you know,  
24 everything that we do costs money, even if we don't bill all  
25 of it.



1 THE COURT: Well, I can tell in this case, it's  
2 not going to be the end of it. Whatever I do will be  
3 appealed, and it may end up in, probably in the state court  
4 at some point.

5 MR. SCHUMAN: Well --

6 THE COURT: So this is not going to end. The only  
7 way things end is if we have an order like Judge Wright's.

8 MR. SCHUMAN: Okay.

9 THE COURT: I'm not suggesting I would or would  
10 not grant it, but that is a road that --

11 MR. SCHUMAN: Okay.

12 THE COURT: -- that you could do or not do, but  
13 Judge Wright did it, but I'm -- because it's clear his  
14 order, given -- I read it several times, it was clear he's  
15 talking about file with magistrate judges. There's no  
16 mention of bankruptcy in there. So it's clear to me that he  
17 did not in any way intend that it would have to do with  
18 anything filed in this Court.

19 MR. SCHUMAN: I disagree, your Honor, but  
20 you're --

21 THE COURT: No, well, you -- well, no, I --

22 MR. SCHUMAN: -- you're wearing the robe so that  
23 you -- yeah.

24 THE COURT: You can disagree all you want --

25 MR. SCHUMAN: Right.

1 THE COURT: -- but it's absolutely clear to me --

2 MR. SCHUMAN: Okay.

3 THE COURT: -- that that order doesn't stop --

4 MR. SCHUMAN: Right.

5 THE COURT: -- Mr. Moore from filing things --

6 MR. SCHUMAN: Right.

7 THE COURT: -- in this Court.

8 MR. SCHUMAN: Right. And --

9 THE COURT: But you could file a motion, and to my  
10 amazement --

11 MR. SCHUMAN: I'll discuss it with my client,  
12 but --

13 THE COURT: -- you haven't done that. Whether I  
14 -- how I would rule is a different question, but you have  
15 that role and you haven't done it. So I just throw that  
16 out.

17 MR. SCHUMAN: I understand. But last time we  
18 spoke, you know, even if I filed that motion, it wouldn't  
19 retroactively knock out these cases. We have to deal  
20 with --

21 THE COURT: Well, nothing does. Nothing is  
22 retroactive.

23 MR. SCHUMAN: Right. Right. So, we have to deal  
24 with these and get them dismissed, and then he'll appeal and  
25 he won't file the record, and his appeal will get

1 dismissed --

2 THE COURT: Well, I don't --

3 MR. SCHUMAN: -- if history repeats itself.

4 THE COURT: Well, that's up to the appellate  
5 court. It has nothing to do with me. No.

6 MR. SCHUMAN: Or course, your Honor.

7 THE COURT: No. Seriously --

8 MR. SCHUMAN: I know -- of course --

9 THE COURT: -- that's up to the district court or  
10 the Bankruptcy Appellate Panel or the circuit or whomever.  
11 It's not up to me.

12 MR. SCHUMAN: Yeah. The --

13 THE COURT: So, anyway, why don't you continue.

14 MR. SCHUMAN: So, the really -- I don't think it,  
15 I don't think it benefits the Court to go -- for me to go on  
16 any further. The Court -- I think the Court understands  
17 this.

18 THE COURT: Well, I've read your papers, as well  
19 as --

20 MR. SCHUMAN: Right. I think it's --

21 THE COURT: -- Mr. Moore's.

22 MR. SCHUMAN: I think you understand that you've  
23 got --

24 THE COURT: Well, you'll be able to respond to  
25 anything that Mr. Moore says.

1 MR. SCHUMAN: Of course.

2 THE COURT: All right. Mr. Moore.

3 MR. SCHUMAN: Thank you.

4 THE COURT: All right.

5 MR. MOORE: Thank you, your Honor. The case that  
6 we are dealing with is adversary number 01058, correct?

7 That's the first --

8 THE COURT: Okay. We can start with that one.

9 MR. MOORE: That's correct.

10 THE COURT: I had mentioned -- well, there -- what  
11 was the number you said again? 10058 (sic) is one of them.

12 MR. MOORE: Zero -- correct.

13 THE COURT: Okay. We can start with that one.

14 MR. MOORE: Fine. This adversary complaint is  
15 clearly about conspiracy to hide other's assets that the  
16 Debtor claims she did not have possession and/or control.

17 THE COURT: And you won in the state court?

18 MR. MOORE: No, no, but that wasn't the --

19 THE COURT: Don't tell me, no, no. I'm telling  
20 you that --

21 MR. MOORE: Okay, but following -- you're not  
22 following.

23 THE COURT: Okay. Why don't you -- I won't  
24 interrupt. You just keep talking.

25 MR. MOORE: Okay. November 13th -- November



1 18th --

2 THE COURT: And don't repeat, by the way,  
3 everything in your papers, but summarize, as needed.

4 MR. MOORE: No, no, I won't.

5 THE COURT: Okay.

6 MR. MOORE: I'm just going to summarize.

7 THE COURT: All right.

8 MR. MOORE: That this Debtor concealed assets that  
9 belonged to others. In the -- in her petitions and in her  
10 bankruptcy she didn't acknowledge, which is a violation,  
11 that she had other's assets in her possession and control.

12 THE COURT: And which count is that?

13 MR. MOORE: I'm sorry?

14 THE COURT: Remember, you have the counts here.  
15 Which one are we -- are you talking about?

16 MR. MOORE: Well, this is, this is bankruptcy  
17 fraud is the one I'm talking about. I don't have it right  
18 in front of me. But if I could continue then I can find  
19 that information that you want.

20 There was the property -- possession of a property  
21 was ordered by Judge Rosenblatt to be turned over by this  
22 Debtor. This Debtor claimed that she did not have the  
23 property. There was also a contempt motion brought against  
24 her in Judge Holly's (phonetic) court, in which Judge Holly  
25 said was:

1                   "The court finds that based upon  
2                   defendant's..."

3                   which is Braggs:

4                   "...declaration, there's no possibility  
5                   that the defendant can comply with the  
6                   court order November 8. Defendant has  
7                   clearly declared under penalty of  
8                   perjury that she no longer has  
9                   possession of any of the property."

10                  That's what she said under penalty of perjury.  
11                  She also made those statements in the bankruptcy by saying,  
12                  the property didn't exist. It was gone. When in fact,  
13                  based on what the Los Angeles Superior Court clerk found in  
14                  that court, they issued a writ of possession for the  
15                  property. The sheriff went to the property many times --

16                  THE COURT: Now you're -- I hope you're  
17                  summarizing, because --

18                  MR. MOORE: Yeah.

19                  THE COURT: -- we know all these facts.

20                  MR. MOORE: Okay. So, just so that the record is  
21                  clear, and they found the property that --

22                  THE COURT: This is recently?

23                  MR. MOORE: Yeah, July 7th, 2021.

24                  THE COURT: Right.

25                  MR. MOORE: Not -- not a long time ago, less than

1 a year.

2 And this Court knows Rule 6(d)(3) vacates that  
3 one-year statute of limitation. And it goes beyond that  
4 time --

5 THE COURT: Now, you're forgetting that the one  
6 year is a statute. A rule can't undo a statute.

7 MR. MOORE: I understand that. But when  
8 bankruptcy fraud is a issue, and this is bankruptcy fraud,  
9 because she was holding these properties valued at millions  
10 of dollars, and telling this Bankruptcy Court that she  
11 didn't have any of the property. There is the bankruptcy  
12 fraud.

13 THE COURT: That's a criminal action by the way.  
14 This is not a criminal court.

15 MR. MOORE: I understand that. The -- but under  
16 larceny you can bring those causes of action in bankruptcy  
17 court. And if I may finish, that the argument that the  
18 Debtor have as far as these are art is unrealistic, because  
19 she was still under Judge Rosenblatt's order which says very  
20 clearly, this court orders Bragg to return the property by  
21 blah, blah, blah, and all -- the car and all that stuff by  
22 Rene Moore, which she failed to do.

23 And by her failure to do it and failing to list  
24 that those properties were in her possession and control,  
25 violates the bankruptcy statute and the rule. She -- and

1 then she didn't even list these assets that were in her  
2 possession and control. And some of the assets she was  
3 trying to sell, which is another violation of her  
4 bankruptcy. And this is all, goes to the bankruptcy fraud.  
5 You can't file a false document with the court to discharge  
6 something that is, is false.

7 And another issue is where this Court actually  
8 said -- they sanctioned, this Court sanctioned me for  
9 documents that I supposedly did not produce. When we found  
10 on July 7, 2021 those very -- those same documents were in  
11 the Debtor's possession and control. Again, bankruptcy  
12 fraud and concealment. You can't file a bankruptcy to  
13 defraud somebody out of their property.

14 Any open-minded, reasonable person would say --  
15 and there's not one declaration from the Debtor saying, I  
16 didn't have the property, or I don't know what he's talking  
17 about. He's crazy. The Los Angeles Sheriff Department  
18 found the property.

19 THE COURT: You know, I know you're -- I'm saying  
20 it again. I've read your papers. This is nothing new.  
21 I've heard it many times from you.

22 MR. MOORE: Okay. Well, it's my position that  
23 under the bankruptcy laws you cannot hid other's assets or  
24 sell them off under the guise of bankruptcy. It was never  
25 determined, and it was only just recently determined July 7,



1 that she had the property, because she always argued and  
2 filed declarations, as Judge Klugey (phonetic) found, saying  
3 that she did not have the property, when in fact she did.

4           And it's my position, and it's under statute and  
5 law, that you can't seal other's -- conceal other's assets,  
6 fail to put it in your bankruptcy, and then try to sell the  
7 property off and keep the proceeds. This is a clear  
8 fraudulent bankruptcy. It is extremely clear. If this  
9 Court doesn't see it, then we'll deal with it another way.  
10 But if you look at her petition, where she says in her  
11 petition she loaned me \$2.4 million, that is absurd. This  
12 person only made less than \$60,000 a year. How did she lend  
13 me? But those were filed in her petition. And the reason  
14 why --

15           THE COURT: Let me do this. I'm going to give you  
16 another 15 minutes to argue because you're really going  
17 through everything. And I'll give you 15 minutes to finish  
18 your argument, all right? I mean, I'm not asking you, I'm  
19 telling you.

20           MR. MOORE: Yeah, as it relates to 01058 or the  
21 whole thing?

22           THE COURT: Yes, both of them.

23           MR. MOORE: How much time do I have left now?

24           THE COURT: I'll give you to -- I'll give you 15  
25 minutes.

1 MR. MOORE: Okay.

2 THE COURT: Again, you've read, you've extensively  
3 read it in papers. I don't ever expect anybody to line by  
4 line through your papers.

5 MR. MOORE: Right. Well, I'll reserve my 15  
6 minutes, Judge.

7 THE COURT: No, you don't -- there's nothing to  
8 reserve. He goes first, you go. There is -- no, wait a  
9 minute. You -- excuse me, you're the Movant. You will,  
10 you go, and then you want to reserve your 15 minutes?

11 Do you have anything else to say, counsel?

12 MR. SCHUMAN: No, I -- nothing to respond to so  
13 far.

14 THE COURT: Okay. Then, okay, you're right, Mr.  
15 Moore. You have 15 minutes from now on both of these.

16 MR. MOORE: Okay. Thank you.

17 THE COURT: And again, I've read several times all  
18 your papers, but I --

19 MR. MOORE: As it relates to the complaint 01080  
20 -- 80180 (sic) --

21 THE COURT: Yes.

22 MR. MOORE: -- again we have bankruptcy fraud. We  
23 have clear concealment of assets, untrue liability  
24 statements and false ownership of corporation, including  
25 F.C.C. radio stations and nightclubs. None of these assets

1 were put in this bankruptcy. None of these were even  
2 acknowledged in the bankruptcy. They are again, it's  
3 concealment of assets and bankruptcy fraud.

4 This Debtor provided an unrealistic and untrue  
5 liability for the various corporations. She didn't show any  
6 proof of any liquor license, no proof of property lease  
7 agreements, no insurance, no employees, no property assets,  
8 none of this, but yet she filed a bankruptcy claiming that  
9 she owned 100-percent these assets.

10 If you look at, I think it's page five of her  
11 petition, she talks about that she owns 100-percent of all  
12 these various assets. False. Again, another bankruptcy  
13 falsity that is not acceptable under the rules and the  
14 statute.

15 Again, we have the total concealment of these  
16 assets, and again, there's not one declaration from this  
17 Debtor stating that she did not have the property. They  
18 found the property. And I don't understand how the Court  
19 can stay, take the position, this has already been dealt  
20 with. It hasn't, because she never followed Judge  
21 Rosenblatt's order to return the property. She said she  
22 didn't have it. That she gave it to Wells Fargo. That's  
23 another falsity.

24 So this entire bankruptcy is just complete with  
25 falsity after falsity after falsity. And it's disingenuous

1 for this Court to accept these rulings, accept this  
2 bankruptcy fraud as, it's okay. Because you can't have  
3 assets of other persons and not list them on your schedules.  
4 You must list them. That's part of the statute and rules  
5 that was -- that the Congress enacted for. Again, Rule  
6 6(d)(3) vacates any fraudulent behavior, any bankruptcy that  
7 was procured by fraud, as this one was.

8           Also, as it relates to legal documents, Judge  
9 Rosenblatt ordered her to return all legal documents. She  
10 didn't. When we went there on July 7, 2021, the legal  
11 documents were there. And we provided color pictures for  
12 the court so that they could see the actual raid, some of  
13 the raid by the sheriff. We saw where she was hiding the  
14 asset, which was the automobile. We saw where she was just  
15 -- there's a garage full of stuff where the file cabinets  
16 were and the legal documents were.

17           And there were other pictures in the house that  
18 she -- they wouldn't allow me to take pictures, because she  
19 claimed her privacy was at stake. So we didn't take  
20 pictures in the house, but there were other property and  
21 documents in the house that she hid all these times.

22           And I just think it's disingenuous, it's unfair,  
23 and it's clearly bankruptcy fraud for this person to be able  
24 to take somebody's assets, sell them off. It's tantamount  
25 to me robbing a bank, filing bankruptcy and say, I filed



1 bankruptcy. I want to keep the money. It doesn't work like  
2 that. As Judge Greenwald (phonetic) said many times,  
3 bankruptcy is for honest and fair people to get a fresh  
4 start, not dishonest people to take advantage of the system.

5 Another thing, this Court should be aware that  
6 she's been concealing this property since 2012. Where she  
7 said over and over, like she told Judge Fujie, she didn't  
8 have it, when in fact she did. And all this goes to  
9 bankruptcy fraud, and it also goes to concealment of assets  
10 in this bankruptcy, which was not allowed.

11 Thank you. I have nothing else.

12 THE COURT: All right. Well, I'm going to go  
13 through this, Mr. Moore. And, again, thank you both. But I  
14 disagree with you. I'm going to deny your motions, and I'll  
15 tell you exactly why.

16 Each one of these things, all you're -- there's no  
17 response to it, and I'm explaining, because no doubt you  
18 will appeal, and you're entitled to do that. That  
19 everything you said all relates back to the original  
20 judgment.

21 You -- this was -- you -- the jury, you had a jury  
22 verdict against the Debtor, over \$3,000,000 as I recall, 3.1  
23 million approximately. And everything you've talked about  
24 that happened, the conversion and also -- that was part of  
25 that judgment. What you're talking about now is things that

1 happened later. And so every one of these, every one of  
2 these things you have criminal conduct and all, this is not  
3 a criminal court.

4           If you -- there are statutes, for instance,  
5 Section 727, which is, very specifically deals with hiding  
6 things and so forth. You could have filed -- you didn't  
7 file that in your original complaint. Your original  
8 complaint had to do with Section 523, but a lot of these  
9 things you alleged even then that she was, she was doing all  
10 sorts of bad things. You may use different words, but the  
11 fact of the matter, it may be, at least from the complaint,  
12 that they found these things that -- you know, the car. I  
13 have no idea.

14           As an example, that I know Wells Fargo -- I don't  
15 know the answer to this, but I remember you're talking about  
16 personal property. These were here -- we were here on the  
17 contempt, it's not the personal property, was you were going  
18 after using that judgment that you got for -- against the  
19 real property.

20           So, what's happened is, I lifted the stay as far  
21 as the personal property. I indicated sometime ago that I  
22 understand that Wells Fargo had some claims. I don't know  
23 if the Debtor had some claims. The Debtor did not oppose  
24 the relief from the stay as to, as to that. It was -- I  
25 recall it was Wells Fargo had asked for relief from the

1 automatic stay. And to my astonishment, you objected  
2 because you thought I was somehow making a ruling on who  
3 owned it. I wasn't at all. I was simply saying that I'm  
4 lifting the stay, and you go to the state court and have it  
5 out. Whatever the state court decides, who -- if they have  
6 a security interest in it or not, that's what I said. That  
7 had to deal with the personal property.

8           The judgment you got years ago from the state  
9 court had to do with, basically, a lot of this personal  
10 property, all sorts of things, and the jury believed you, so  
11 you got the judgment. The problem with what's happened is,  
12 you refuse to accept the fact that when I dismissed your  
13 complaint with prejudice, I issued an opinion to that  
14 recently, that that ended that. That you could never bring  
15 those causes of action again as far as the Debtor is  
16 concerned.

17           You -- it does not stop you of course if the  
18 Debtor has after bankruptcy -- I'm not saying she did or  
19 didn't, but all the things you claim, the discovering the  
20 car and all these things, that happened after bankruptcy.  
21 And if you have some sort of -- I'm not saying you do or  
22 don't, but to the extent you have some claim against her, or  
23 others for that matter, you're certainly free to bring them,  
24 whether you're successful is a different question, be it in  
25 the state court, or in the case recently with Wells Fargo in

1 the district court before Judge Wright, you're free to do  
2 that, and then whatever those judges rule is fine.

3           What you're not entitled to do is to keep bringing  
4 these things in this court. You have brought action under  
5 the -- both of these adversary proceedings, under parties  
6 that are not the Debtor. I don't have any jurisdiction to  
7 go -- you're not the Debtor. You're not bringing these  
8 actions against -- but you have -- I have no jurisdiction  
9 whether your claims against these various people, like  
10 Office of Peter Lively (phonetic), et cetera, et cetera.

11           It's funny, when it's convenient to you, you argue  
12 I don't have jurisdiction when I clearly do have -- when it  
13 comes to the discharge of the Debtor. But when it comes to  
14 these causes of action against all these other people, and  
15 all these causes of action of things that happened post-  
16 petition, I also don't have jurisdiction. If the Debtor did  
17 something wrong, not in relation to your judgment, that  
18 judgment is gone. That 3.1 million and anything dealing  
19 with it is gone.

20           Now, if subsequent to the bankruptcy the Debtor  
21 does something improper, then you can or do as you wish.  
22 Obviously, I'm not going to comment on anything you might  
23 do, because I have no idea what you might do. Counsel is  
24 quite correct, the things that happen post-petition are not  
25 -- those are -- those causes of action have nothing to do



1 with this bankruptcy. And I understand your point, you're  
2 just wrong as far as your analysis of this.

3           The -- as far as the only one thing you brought is  
4 -- a lot of this is really not new. You do it, and then you  
5 phrase it different ways. The one that is -- was new, for  
6 instance, you do have Section 523 has time limits. Those  
7 have long since passed. I explained that in my memo.

8           727, the time has long since passed, years, for  
9 you to file either a complaint, objection to discharge, or  
10 the one-year statute on bringing actions to revoke the  
11 discharge. That's clear. That's a statute. And Rule  
12 60(d)(3) that you propose doesn't change that.

13           There's nothing that I've read in your complaint,  
14 there's nothing that would convince me of any fraud on the  
15 Court, which -- and it would run counter to the one-year  
16 statute of limitations. You can't -- Congress -- can  
17 Congress pass those as the law? When it comes to the  
18 statute, the Supreme Court passes the rules, but the rules  
19 cannot contradict the statute.

20           The statute is quite clear, and the reason why, it  
21 wants to end things. It doesn't mean -- certainly, justice  
22 is done at the end of the day, but Congress in its wisdom  
23 years ago decided under 727(d), the revocation, and under  
24 Section 727 itself, they have to be -- they have to end.  
25 There has to be an end to it. And so that's what we have

1 here.

2           So I am going to -- I'd like you to prepare a --  
3 I'm stating on the record my findings, but I'd like you to  
4 prepare those. That in -- both of these are slightly  
5 different, but these claims of criminal violations, they  
6 don't -- you've never gotten the idea, Mr. Moore, that this  
7 Court doesn't deal with that. And in going with some of  
8 these things on -- under the -- well, there are two  
9 complaints. That is, 01058, clearly you're dealing with --  
10 you've got -- I don't know. You've got the section wrong.  
11 It's 11 U.S.C., it's not 28 U.S.C. 523 in the complaint, but  
12 I know what you're talking -- I know what you're --

13           MR. MOORE: Yeah, you're right. That was a  
14 mistake --

15           THE COURT: I know. I understand. I know it --  
16 I, again, I know it looking at, it was a mistake, and people  
17 make mistakes. So -- but I know what we're talking about.  
18 Those are the same things, and I'll go through them right  
19 now. It's clearly an error, and I knew it when I saw it.  
20 That's fine. We all knew what you were talking about. But  
21 then you -- those are 523. That's nondischargeability.  
22 That's already been ruled. I'm done with that.

23           Then the different -- then you talk about larceny,  
24 trespass, fraudulent transfers and so forth, constructive  
25 trust, violation of the criminal code, receiving of stolen

1 property, that's all criminal stuff. The bottom line is,  
2 I'll make it in a nutshell, and that's also true in the  
3 other complaint. You've alleged basically the same thing,  
4 but you've alleged a continuing thing, that she's maybe  
5 continuing doing something.

6 Well, to the extent she's doing that, that's not  
7 for me to say. You've been involved. I'm not asking you  
8 the answer to any of this, but it has been a dispute, as I  
9 recall, Wells Fargo claimed they had a security interest for  
10 certain things.

11 I have no idea the result, and as I told you many  
12 times, and you've cited it in your papers but for the wrong  
13 proposition, that when I lifted the stay I was only talking  
14 about who owns the right to the personal property. I still  
15 don't have any opinion as to that. I said it then, I said  
16 it now, and that's up to the state court to decide.

17 So, I'm not going to ask for a response from you,  
18 but as far as the car, as an example. I don't know and I'm  
19 not going to ask you, whatever happened to the car, whether  
20 if it's yours, if it's Wells Fargo's interest, I have no  
21 idea about it, and it's not for me to decide.

22 Whoever the state court will decide who has a  
23 right to that, and view as any of the other things that they  
24 -- apparently, at least according to your complaint, were  
25 discovered, those are things not for this Court. That

1 happened all post-bankruptcy.

2 Now, as far as the action of concealing it, that  
3 happened way back when you had your lawsuit. And so --

4 MR. MOORE: That's not true. You --

5 THE COURT: No, please, I'm not asking, Mr. Moore.

6 MR. MOORE: That's not true.

7 THE COURT: Please, I'm not asking you to say  
8 another word.

9 MR. MOORE: That's fine, but that's not true.

10 THE COURT: And same thing for counsel.

11 The -- what you've done is you keep repeating over  
12 and over and over the same thing. You've change it a little  
13 bit, but it's the same. And the basic principal is,  
14 whatever happened prior to the bankruptcy, that's what your  
15 complaint was, your time limits to filing it. You filed it,  
16 but then you -- and then I sanctioned you and you didn't  
17 comply. And that's all history. And that's all done, final  
18 year ago. And what happened post-bankruptcy is not for this  
19 Court to decide as far as any liability of the Debtor.

20 And as far as all you -- you change it and you say  
21 larceny, continuing conversion. It may be, but that's not  
22 for this Court to decide. And so you refuse to accept that.  
23 So what I am -- so every one of these I have -- and, by the  
24 way, there's no right to a jury trial in these things, not  
25 in this Court. But in any case that's neither here nor



1 there.

2           So what I'm doing is, I'd like you to prepare an  
3 order. Both of these are by and large a rehash of already  
4 two things. Either things that had -- that prepetition, and  
5 the time has long since run. You had your complaint. You  
6 filed it, dealing with your over \$3,000,000 judgment, and  
7 that's gone. You refuse to accept that. I've sanctioned  
8 you. Go to another court and see what they say. But that  
9 is pretty obvious to me.

10           And the things -- I'm repeating my ad nauseam, but  
11 what happened after the bankruptcy, whether she's still in  
12 possession of these things, and then the question is, who  
13 owns it, that's up to the state court. But the  
14 dischargeability of the liability for those debts, that was  
15 decided in this Court by the dismissal of your complaint.

16           And so, I -- and as far as the other people, I'm  
17 surprised they didn't even bother to respond --

18           MR. SCHUMAN: We did.

19           THE COURT: Huh?

20           MR. SCHUMAN: We did respond, your Honor.

21           THE COURT: All, and all the other --

22           MR. SCHUMAN: Yeah. I represent all the  
23 Defendants in both cases.

24           THE COURT: You do represent all. I wasn't quite  
25 clear, that's what I was going to ask.

1 MR. SCHUMAN: It does, it does say Defendants, and  
2 then the motion says, the Debtor and all other Defendants.

3 THE COURT: Okay. I -- let me take a look. I had  
4 thought that was the case, but let me -- you did say for all  
5 the -- I must have missed that. But in any case, in any  
6 case, even without that, but you do -- I missed that. I  
7 have to admit, I was focusing obviously on the Debtor. But  
8 you are correct.

9 But in any case, I don't have any -- I'm repeating  
10 myself ad nauseam, I have no jurisdiction over, over anybody  
11 other than this case, and you can't sue anybody else in this  
12 case. You're not the Debtor. The Debtor might sue people  
13 for various things, but you're a creditor. You have --  
14 there's no -- I have no jurisdiction to entertain your suits  
15 against these other people. And I'm not talking about going  
16 to any other court, I'm just talking about this Court. I  
17 have no opinion or anything else.

18 So, we -- by the way, we do -- I did change the  
19 time. You have a motion for a -- it's not before me today.  
20 And by the way, I know you're not an expert on this, but you  
21 have no right, Mr. Moore, to pick a date for a hearing. Do  
22 you realize that? You picked the dates for the hearing,  
23 motion to stay, and you picked June 7th at 2:00 p.m. You  
24 have no right to do that, okay? I'm just telling you, you  
25 don't.

1           However, as it turns out, I don't have any time at  
2 that time, but I have set, since you're both here, a hearing  
3 on that motion for 1:30 on that same day. But -- I don't  
4 know if there will be any future things, but you just can't  
5 pick -- not in this court anyway, some of the other courts  
6 allow just being -- stuff being set.

7           The only things that I allow to be set would be  
8 relief from the stay, but this -- that -- from the automatic  
9 stay, that's not this. But in any case, so I'm just telling  
10 you now that I -- it just so happens that that date is okay,  
11 but not at 2:00 o'clock. I have other things. But I'm  
12 telling you now, that's going to be -- I'll hear that at  
13 1:30.

14           So, that concludes this hearing. If you would  
15 prepare, I'd like you, if you could, prepare two separate  
16 orders denying -- I mean, granting rather, the motion to  
17 dismiss. I've stated on the record, but I'd like you to  
18 prepare some findings of fact, conclusions and law, but --  
19 and again, I'm not asking anything further of either of you  
20 gentlemen. You've expressed your opinions.

21           I, obviously I don't agree with you, Mr. Moore.  
22 That's at this point. No doubt you'll appeal this, and  
23 that's fine with me. I have no opinion one way or the  
24 other. And a higher court will tell me what to do, I was  
25 right or wrong, and I will of course abide by that.

1 MR. MOORE: One thing I did file that -- findings  
2 and facts and conclusions of law should be sent to the  
3 district court for final decision. So I filed that  
4 previously. But any ruling from you as it relates to my --

5 THE COURT: Well, okay. Well, I'm telling you, I  
6 have jurisdiction to decide this. I understand what you've  
7 said.

8 MR. MOORE: These are non-core proceedings, your  
9 Honor.

10 THE COURT: Let me stop you. I'm not -- please,  
11 I'm not asking for any comment from you any further, either  
12 of you, okay?

13 These are -- I will, I will prepare that. And if  
14 it goes to the district court, I don't think it just  
15 proposed, but the district court can say, you know what, Mr.  
16 Moore is right, I'll consider these as proposed. All right.  
17 The district court's going to -- if it's going to the  
18 district court, the district court will decide that.

19 So, it's not uncommon that I disagree with you. I  
20 think this is all -- this is a -- you've asked for a jury  
21 trial, which clearly you're not entitled to. But in any  
22 case, that's my opinion. The district court can disagree.  
23 I disagree with virtually everything that you've argued.  
24 But, no, this is going to be my findings of fact,  
25 conclusions of law, and I'm repeating myself, but this is



1 prior to the Supreme Court decisions in Stern and various  
2 cases. The district judge is --

3 MR. MOORE: You said, "Stern" case?

4 THE COURT: What?

5 MR. MOORE: You said in the Stern case?

6 THE COURT: Yes.

7 MR. MOORE: There's a Stern case?

8 THE COURT: No, I'm not -- just -- it's not that  
9 really important. We're talking there's a long, there is a  
10 long series of cases dealing with jurisdiction, which you're  
11 talking about. And all I'm saying is that the supreme --  
12 that the -- if it -- I don't believe this needs to be a  
13 proposed findings. I think these are final findings.  
14 Remember, it's a motion to dismiss.

15 If the district court concludes that it should be,  
16 then they'll consider it proposed. It's very simple.  
17 That's what district courts have done for years is just  
18 that. So, as far as my opinion, this is not just proposed,  
19 but the district court can disagree.

20 So that concludes this hearing. And I'd like you,  
21 if you would, prepare those findings of fact, conclusions of  
22 law and --

23 MR. SCHUMAN: Thank you.

24 THE COURT: And, by the way, there's not going to  
25 be any continued status on this, because it is a status

1 conference. Since I dismissed it -- both cases, so there  
2 will be no further status. And if you decide to file  
3 anything else, talk to your client. Whatever you do is  
4 fine. And I'll see you back in any case June 7th at 1:30  
5 for the motion for the stay pending appeal.

6 MR. SCHUMAN: Thank you. May I ask for a favor?

7 THE COURT: Yes.

8 MR. SCHUMAN: Can I appear telephonically or video  
9 on the next one on June --

10 THE COURT: I'll have to decide that.

11 MR. SCHUMAN: Okay.

12 THE COURT: At the moment I'm going to have it in  
13 person. I believe very strongly that -- and I think I'm a  
14 minority in my court, but I believe very strongly a day in  
15 court means day in court.

16 MR. SCHUMAN: I don't object to Mr. Moore showing  
17 up if he wants to, I just would like to avoid the trip  
18 downtown, if I can.

19 THE COURT: No, I -- well, everybody would like to  
20 not have to come, but I'm old fashioned. I believe in a day  
21 in court. No, I get the economics and the convenience, but  
22 you know what, these things are too important, my attitude  
23 is, for what it's worth. And I get -- at least I have a few  
24 perks I can have the power over is, I think in certain cases  
25 -- things are -- my attitude generally, if it's a -- if the

1 things are disputed, which clearly this case is, those  
2 deserve to be in person. If it's something like a status  
3 conference and everybody is, you know, on the same path, and  
4 it's going to be a two-minute hearing, then, fine, those I  
5 allow, but that's not this case.

6 MR. SCHUMAN: Thank you.

7 THE COURT: That's just the nature of the case.  
8 It's just that some cases warrant personal, to be in -- I  
9 think both parties, the Plaintiff and the -- depending on --  
10 I guess you've been on both sides. Mr. Moore, you're the  
11 moving party or so forth. I think on something heavily  
12 disputed like this, people deserve to be actually in court.  
13 You don't have to agree with me, I mean as far as the  
14 rulings, but I think it's too important. So the likelihood  
15 is that will be in person.

16 MR. SCHUMAN: Very well, your Honor. Thank you.

17 MR. MOORE: If the Court does decide to let him  
18 via Zoom or whatever, I'd like the same opportunity.

19 THE COURT: No, I would do both.

20 MR. MOORE: Okay.

21 THE COURT: I'm not -- the only time I have Zoom  
22 like this morning, there was a case where one of the -- I  
23 think it was this morning, was it? I've lost track.

24 THE CLERK: Yes. •

25 THE COURT: Yeah. One of the attorneys had a

1 relative, a mother I think, that had a serious medical  
2 problem, and called my staff and said, can we do that in  
3 Zoom? And that -- so that's why one side was here in  
4 person. But it's only something like that. So it's only  
5 fair that it should be the same for both.

6 MR. SCHUMAN: Of course, your Honor. Thank you.

7 THE COURT: All right. Thank you, all.

8 (Proceedings concluded.)  
9  
10

11 I certify that the foregoing is a correct  
12 transcript from the electronic sound recording of the  
13 proceedings in the above-entitled matter.  
14

15 /s/ Holly Steinhauer  
16 Transcriber

6-21-22  
Date

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# EXHIBIT

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